

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID WAYNE CUNDY,
Plaintiff,

v.

ORDER

PAM WALLACE, MATTHEW J. FRANKS,
JAMES WELLS, MS. NYHUIS, M. MARX,
JILL SWEENEY, THOMAS KARLEN, JOHN
RAY and RICHARD RAEMISCH,

06-C-221-S

Defendants.

On May 17, 2006 the above entitled matter was dismissed without prejudice for plaintiff's failure to state a claim. He moves to reopen alleging that he had filed a state petition for a writ of habeas corpus which was denied by the state trial court on March 13, 2006. He does not allege that he has appealed this denial. Accordingly he has not exhausted his state court remedies and will not be allowed to pursue his petition for a writ of habeas corpus in this Court.

ORDER

IT IS ORDERED that plaintiff's motion to reopen is DENIED.

Entered this 12th day of June, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge