

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

LAWRENCE NORTHERN,

Petitioner,

v.

ORDER

TIM LUNDQUIST,

06-C-520-S

Respondent.

Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He did not pay the filing fee or request leave to proceed in forma pauperis. He moves for a protective order staying and abeying this petition for a writ of habeas corpus under 28 U.S.C. § 2254.

The Court previously dismissed petitioner's petition for a writ of habeas corpus for failure to exhaust his state remedies in Case No. 05-C-163-S. Petitioner has not yet exhausted his state court remedies.

Accordingly, petitioner's motion for a protective order staying and abeying his petition for a writ of habeas corpus will be denied. His petition for a writ of habeas corpus will be dismissed without prejudice.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already

provided to undermine this Court's conclusion that his claim must be dismissed without prejudice for his failure to exhaust his state remedies. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

ORDER

IT IS ORDERED that petitioner's motion for a protective order is DENIED.

IT IS FURTHER ORDERED that petitioner's petition for a writ of habeas corpus is DISMISSED without prejudice.

IT IS FURTHER ORDERED that judgment be entered DISMISSING petitioner's petition for a writ of habeas corpus without prejudice.

Entered this 19th day of September, 2006.

BY THE COURT:

____s/
JOHN C. SHABAZ
District Judge