

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

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OUATI K. ALI,

Petitioner,

v.

WILLIAM POLLARD,

Respondent.  
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ORDER

10-cv-706-bbc

In an order dated January 5, 2011, I informed petitioner Ouati Ali that his petition for a writ of habeas corpus under 28 U.S.C. § 2254 included exhausted and unexhausted claims. Under Rose v. Lundy, 455 U.S. 509 (1982), petitioner had two choices: (1) dismiss all of his claims without prejudice to his filing a new petition after he has finished exhausting his state remedies; or (2) abandon his unexhausted claims and proceed solely on the exhausted claim. Id. at 510, 520. I instructed plaintiff to choose one of these options by January 21, 2011. (A stay under Rhines v. Weber, 544 U.S. 269, 277 (2005), is not appropriate because petitioner has more than 60 days left before his one-year statute of limitations expires.)

Petitioner has not responded to the January 5 order. Accordingly, I construe his silence to mean that he does not wish to pursue a federal lawsuit at this time. I will dismiss

his petition without prejudice to his refiling it after he has completed exhausting his administrative remedies.

ORDER

IT IS ORDERED that the petition of Ouati Ali for a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE to his refiling it after he has completed exhausting his state court remedies.

Entered this 31st day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge