**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF RHODE ISLAND**

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| LORENZO ROBINSON EVANS<br>Petitioner,<br><br>v.<br><br>ASHBEL T. WALL, II<br>Respondent. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | C. A. No. 16-096-M-LDA |

**ORDER**

Petitioner Lorenzo Robinson Evans filed a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 arising from his state court conviction for possession of cocaine with intent to deliver. He had previously filed a Petition a month earlier in this Court pursuant to 28 U.S.C. § 2254 (*see* 16-cv-26-M-LDA) arising from the same state court conviction involved in this case. The Court dismissed the earlier Petition when Mr. Evans did not file an objection to the Defendant's Motion to Dismiss (*see* TEXT ORDER in 16-cv-26-M-LDA dated 3/18/2016).

The Defendant has now moved to dismiss this matter (ECF No. 4) asserting that it is an impermissible successive Petition, that Mr. Evans has failed to exhaust his state court remedies, and that his Petition lacked sufficient facts. Because Mr. Evans has failed to exhaust his state court remedies as is required, the Court grants Defendant's Motion to Dismiss.

The Rhode Island Superior Court entered a judgment against Mr. Evans on March 14, 2016, after a jury trial. There is no record before this Court that Mr. Evans has filed either an appeal of his conviction to the Rhode Island Supreme Court or a post-conviction petition with the Rhode Island Superior Court. Mr. Evans has failed to exhaust his state remedies before filing a petition in this federal court pursuant to either 28 U.S.C. § 2241 or § 2254. See, *e.g.*, *Scarpa v. DuBois*, 38 F.3d 1, 6 (1st Cir. 1994), *cert. denied*, 513 U.S. 1129 (1995) (generally, a petitioner must

exhaust all available state remedies before federal habeas jurisdiction attaches); *Nadworny v. Fair*, 872 F.2d 1093,1096-97 (1st Cir. 1989); *see* 28 U.S.C. § 2254(b).

The Defendant's Motion to Dismiss (ECF No. 4) is therefore GRANTED and the Petition is dismissed.

IT IS SO ORDERED:

John J. McConnell, Jr.
United States District Judge

April 19, 2016