

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MARCELINO LaSALLE, JR.	:	
	:	PRISONER
v.	:	Case No. 3:13cv617 (JBA)
	:	
WARDEN	:	

RULING AND ORDER

On May 1, 2013, the court received the petition for writ of habeas corpus and ordered the respondent to file a response to all claims. The petitioner now states that he has completed the exhaustion process on his claim of ineffective assistance of counsel and seeks to amend his petition to include that claim as well. For the reasons that follow, the motion to amend is denied.

The petitioner is required to complete the exhaustion process before filing his federal habeas petition. See Cullen v. Pinholster, \_\_\_ U.S. \_\_\_, 131 S. Ct. 1388, 1399 (2011) ("Section 2254(b) requires that prisoners must ordinarily exhaust state remedies before filing for federal habeas relief."). The statutes make no provision for amendment to include claims that were not exhausted when the original petition was filed. Thus, the petitioner's ineffective assistance of counsel claim is not properly included in this action and the motion to amend is denied.

If the petitioner wishes to have the federal court address all of his claims, including the claim for ineffective assistance of counsel, he should withdraw this action and file a new petition which includes all of his claims.

The motion to amend [**Doc. #9**] is **DENIED**.

/s/\_\_\_\_\_  
Janet Bond Arterton  
United States District Judge

Dated at New Haven, Connecticut this 14<sup>th</sup> day of August 2013.