

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JONATHAN SANCHEZ,
Petitioner,

v.

WARDEN CARON,
Respondent.

No. 3:22-cv-258 (JAM)

**ORDER GRANTING MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Jonathan Sanchez has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In light of the threat to his health from the COVID-19 virus, Sanchez seeks his release from a Connecticut state prison where he is presently serving a criminal sentence imposed by a state court. The respondent prison warden has moved to dismiss on the ground that Sanchez has failed to exhaust his state court remedies.

I will grant the motion to dismiss for substantially the reasons stated in my ruling previously dismissing a similar petition in *Griffin v. Cook*, 2020 WL 2735886 (D. Conn. 2020). Even if a sentenced state prisoner labels their petition for writ of habeas corpus as a petition arising under 28 U.S.C. § 2241, the prisoner remains subject to the requirement that they exhaust state court remedies before seeking relief from a federal court. Although Sanchez contends that exhaustion would be futile, his arguments are conclusory and refuted by the respondent's showing of available state court remedies.

The Court GRANTS without prejudice respondent's motion to dismiss (Doc. #9). Sanchez may seek federal relief after fully exhausting available state court remedies. Because Sanchez has not made a substantial showing of the denial of a constitutional right with respect to

the grant of the motion to dismiss, *see* 28 U.S.C. § 2253(c)(2), no certificate of appealability shall enter. The Clerk of Court shall close this case.

It is so ordered.

Dated at New Haven this 28th day of April 2022.

/s/ *Jeffrey Alker Meyer*

Jeffrey Alker Meyer
United States District Judge