

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SIMON BANKS,)	
)	
Petitioner,)	
)	
v.)	CV-04-903 (RCL)
)	
STEVEN SMITH, WARDEN)	
)	
Respondent.)	
_____)	

ORDER

Upon consideration of petitioner's pro se Petition for a Writ of Habeas Corpus, the United States' motion to dismiss and the response thereto, and for the reasons set forth in the accompanying Memorandum Opinion in this case issued this date, it is hereby

ORDERED that United States' motion to dismiss is GRANTED;

ORDERED that Banks' petition for a Writ of Habeas Corpus is dismissed without prejudice so that Banks may exhaust the remedies available to him in the District of Columbia Court of Appeals.

Signed Royce C. Lamberth, United States District Judge, July 8, 2005.