

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-4737-SJO (MLG)	Date	October 8, 2010
Title	Javier Johnson v. Kelly Harrington, Warden		

Present: The Honorable	Marc L. Goldman, Magistrate Judge
------------------------	-----------------------------------

Terri Steele Deputy Clerk	n/a Court Reporter / Recorder
Attorneys Present for Plaintiffs: None	Attorneys Present for Defendants: None

Proceedings: In Chambers: Order to Show Cause

On October 2, 2009, the Court granted Petitioner’s motion to stay proceedings so that he could exhaust certain claims for relief in the California state courts. As part of that order, the court stated:

Within 30 days after any decision by the California Supreme Court on the petition filed in that court, Petitioner shall file a notice with this Court and notify Respondent that state proceedings have concluded, and file a first amended habeas corpus petition in this Court stating his claims for relief.

A review of the California Appellate Courts website reveals that on September 1, 2010, the California Supreme Court denied Petitioner’s petition for writ of habeas corpus. *In re Javier Johnson*, Case No. S183660. Petitioner has neither notified the Court that state proceedings have concluded nor filed his first amended petition for writ of habeas corpus in the time allowed.

IT IS ORDERED that Petitioner show cause, on or before October 29, 2010, why this petition should not be dismissed as unexhausted and for failure to prosecute. Fed.R.Civ.P. 41(b). Petitioner may satisfy this order by filing a first amended petition for writ of habeas corpus, containing only exhausted claims, on or before October 29, 2010.

Initials of Clerk _____ : _____
ts _____