

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

Case No. **CV 09-07325-JHN (OP)** Date **January 7, 2011**

Title **Kevin Joseph Lee, Jr. v. James A. Yates, Warden**

Present: The Honorable **Oswald Parada, United States Magistrate Judge**

**Maynor Galvez**

**N/A**

**N/A**

**Deputy Clerk**

**Court Reporter / Recorder**

**Tape No.**

**Attorneys Present for Plaintiffs:**

**Attorneys Present for Defendants:**

**None**

**None**

**Proceedings: IN CHAMBERS: ORDER TO SHOW CAUSE**

On October 8, 2009, Kevin Joseph Lee (“Petitioner”), filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. On January 22, 2010, Respondent filed a Motion to Dismiss the Petition. On May 26, 2010, the Court denied Respondent’s Motion to Dismiss and ordered Respondent to file an Answer to the Petition. On August 2, 2010, Respondent filed an Answer to the Petition. Petitioner did not file a Reply to the Answer.

The Court has been informed by the California Department of Corrections and Rehabilitation that on November 11, 2010, Petitioner was released on parole. Local Rule 41-6 provides that:

A party proceeding pro se shall keep the Court and opposing parties apprised of such party’s current address and telephone number, if any, and e-mail address, if any. If mail directed by the Clerk to a pro se plaintiff’s address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of said plaintiff’s current address, the Court may dismiss the action with or without prejudice for want of prosecution.

On November 22, 2010, the Court ordered Petitioner to provide the Court with his current contact information in compliance with Local Rule 41-6. The Court further cautioned Petitioner that his “[f]ailure to do so may result in the dismissal of this action for failure to prosecute.” To date, Petitioner has failed to provide the Court with his current contact information.

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Accordingly, Petitioner is ordered to show cause no later than February 11, 2011, why this case should not be dismissed for failure to prosecute. Filing of Petitioner's current contact information in compliance with Local Rule 41-6 on or before February 11, 2011, shall be deemed compliance with this Order to Show Cause. Petitioner's failure to do so by the date indicated shall result in the Court recommending that this action be dismissed without prejudice for failure to prosecute.

**IT IS SO ORDERED.**

cc: All Parties of Record

**I hereby certify that this document was served by  
First Class mail postage prepaid, to all counsel  
(or parties) at their respective most recent address of  
record in this action on this date.**

**Dated: 1-11-11**

**/s/ J.Holmes**

**DEPUTY CLERK**

Initials of  
Preparer

\_\_\_\_\_ : \_\_\_\_\_  
jh-relief  
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