

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV11-9241-GHK (AS) Date August 4, 2014

Title Erick Fuentes v. Martin Biter

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

N/A

N/A

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

On November 7, 2011, Petitioner Erick Fuentes (“Petitioner”), a California state prisoner who is represented by counsel, filed a Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C. § 2254 (Docket Entry Nos. 1, 2). The Petition asserted seventeen grounds for habeas relief. (See Pet. 5.) On January 23, 2012, the Court stayed this action pending the exhaustion of Grounds One through Eight, pursuant to Kelly v. Small, 315 F.3d 1063, 1070 (9th Cir. 2003), overruled on other grounds by Robbins v. Carey, 481 F.3d 1143, 1149 (9th Cir. 2007), and deleted those unexhausted claims from the Petition (Docket Entry No. 12). On September 10, 2013, the Court ordered Petitioner to file status reports regarding the pending state habeas proceedings every sixty days (Docket Entry No. 23).

Pursuant to that Order, Petitioner was obligated to file a status report on July 21, 2014 (Docket Entry No. 28). To date, Petitioner has failed to file his most recent status report. Accordingly, Petitioner is ORDERED TO SHOW CAUSE as to why this Court should not dismiss the action with prejudice for failure to prosecute and obey court orders. See Fed. R. Civ. P. 41(b). In lieu of such a response, Petitioner may file a status report that comports with this Court’s September 10, 2013 Order. Petitioner shall file a response or status report **no later than August 18, 2014**. **Petitioner is expressly warned that failure to file a timely response or status report may result in a recommendation that this action be dismissed with prejudice for failure to prosecute and for failure to obey court orders. See Fed. R. Civ. P. 41(b).**

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