

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-2341 PA (MRW)	Date	December 30, 2013
Title	Zavala v. Miller		

Present: The Honorable	Michael R. Wilner
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Veronica McKamie

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None present

None present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

The Court previously ordered Petitioner to provide the Court with the case name and number of his ongoing state habeas action. (Docket # 15, 17, 20.) In his most recent status report, Petitioner claims that he has a habeas action pending in some state court. (Docket # 21.) However, Petitioner provided none of the detailed information that the Court required. Further, a review of the state supreme court's online docket revealed no pending case in Petitioner's name.

The Court originally stayed this federal action – and delayed action on the Attorney General's dismissal motion – based on Petitioner's assertion in June 2013 that he was properly pursuing relief in the state court system. To date, Petitioner has failed to provide the minimal information that the Court needs to maintain the stay. Further, Petitioner's inability to follow the Court's basic directives gives the Court considerable doubt about his sincerity in abiding by future court orders or to properly prosecute this action.

Therefore, IT IS ORDERED that Petitioner must file a statement with the Court by or before January 17, 2014, in which Petitioner identifies the case name, court name, and court file number of the habeas action he filed after the entry of the stay in the federal case. Failure to file this report will lead the Court to recommend dismissal of the federal action on the merits of the Attorney General's dismissal motion and for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b). In light of Petitioner's previous responses to this Court's orders, no extensions of time will be considered.