

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 14-2718-DOC (MAN)

Date: May 29, 2014

Title: Shaman Haycraft v. The People of the State of California

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DOCKET ENTRY: ORDER TO SHOW CAUSE RE: DISMISSAL

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PRESENT:

Hon. Margaret A. Nagle, United States Magistrate Judge

Earlene Carson
Deputy Clerk

N/A
Court Reporter/Tape No.

ATTORNEYS PRESENT FOR PETITIONER:

ATTORNEYS PRESENT FOR RESPONDENTS:

N/A

N/A

PROCEEDINGS (In Chambers):

On April 14, 2014, the Court issued an Order in which it advised Petitioner that the habeas petition filed in this case on April 9, 2014, is “mixed,” because it contains an unexhausted claim (Ground Five). In the April 14 Order, the Court advised Petitioner that a “mixed” petition is required to be dismissed unless a petitioner exercises one of the four options available to him, and the Court advised Petitioner of those four options in detail. The Court directed Petitioner to select one of those four options by no later than May 14, 2014, and expressly cautioned him as follows:

Petitioner is cautioned that a failure to respond to this Order by May 14, 2014, will be deemed to constitute an exercise of Option One [allowing the Petition to be dismissed without prejudice on the basis that it is “mixed”], and the Court will forward the case to the United States District Judge with a recommendation that this action be dismissed without prejudice.

It is now 15 days past the due date for Petitioner’s response to the April 14 Order, and Petitioner has neither filed the required response/election of option nor otherwise communicated with the Court. The Court, therefore, assumes, that Petitioner wishes to have this action dismissed without prejudice. In the event that is not Petitioner’s wish, the Court will afford him a *final* chance to advise the Court how he wishes to proceed.

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Accordingly, Petitioner is ORDERED TO SHOW CAUSE why this action should not be dismissed, without prejudice, on the ground that the Petition is “mixed.” **By no later than June 20, 2014**, Petitioner must file with the Court a response to this Order To Show Cause in which he shall advise the Court how he intends to proceed, *i.e.*, whether he wishes to have this action dismissed without prejudice pursuant to Option One in the April 14 Order, or whether he wishes to exercise one of the other three Options set forth in the April 14 Order.

Petitioner is cautioned that a failure to timely respond to this Order To Show Cause shall be deemed to constitute confirmation that he wishes to exercise Option One and to have this action dismissed, without prejudice, due to the “mixed” nature of the Petition. In that event, the Court will promptly forward this case to the United States District Judge for dismissal.

IT IS SO ORDERED.