

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 14-3934-MMM (KK)**

Date: May 19, 2017

Title: ***Lavontahe Brown v. M. Biter***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

**DEB TAYLOR**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause Why Kelly Stay Should Not Be Vacated For Failure to File a Status Report**

On October 27, 2014, the Court issued an Order granting Petitioner’s request for a Kelly stay. ECF Docket No. (“dkt.”) 13. On January 31, 2017, the Court issued an Order vacating a prior order to show cause why the Kelly stay should not be vacated for failure to file a status report and requiring Petitioner to file a status report by May 1, 2017 and every 90 days thereafter. In the status report, Petitioner was to address the status of Petitioner’s exhaustion efforts in state court. See id. Petitioner was expressly warned that if he failed to act diligently in seeking to exhaust his state court remedies or to file the required status reports, “the Court may vacate the stay and prohibit Petitioner from raising any new claims in this action.” Id.

Over two weeks have passed since the May 1, 2017 deadline, and Petitioner has failed to file a status report. Nor has Petitioner made any other communication with the Court. Petitioner is therefore in violation of the Court’s January 31, 2017 Order. As such, Petitioner is **ORDERED TO SHOW CAUSE** by **June 9, 2017** as to why the Kelly stay should not be vacated and why Petitioner should not be prohibited from raising new claims in this action, for failure to comply with the Court’s Order to file a status report. Petitioner may discharge this Order to Show Cause by filing the required status report by **June 9, 2017**.

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**Petitioner is expressly warned that failure to timely file a response to this Order will result in this action being dismissed with prejudice for his failure to comply with Court orders and failure to prosecute. See Fed. R. Civ. P. 41(b).**

**IT IS SO ORDERED.**