

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-14-5679 -AS Date June 26, 2015

Title Mark Verba v. C. Wofford, Warden

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 July 22, 2014, Petitioner Mark Verba (“Petitioner”) filed a Petition for Writ of Habeas Corpus by a Person in State Custody (“Petition”), pursuant to 28 U.S.C. § 2254 (Docket Entry No. 1). On January 9, 2015, the Court issued an Order granting in part and denying in part Respondent’s motion to dismiss the petition (Docket Entry No. 23). The Court dismissed Grounds Two and Four of the Petition because they were procedurally defaulted and found Grounds Three and Five to be unexhausted. Id. On February 9, 2015, Petitioner filed a Motion for Reconsideration of the Court’s Order dismissing Grounds Two and Four and a Motion for a Stay of his unexhausted claims. (Docket Entry No. 24). On February 17, 2015, the Court issued an Order Denying Petitioner’s motion for reconsideration and Granting Petitioner’s Motion for a Stay, pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir.2003) overruled on other grounds by Robbins v. Croy, 481 F.3d 1143 (9th Cir. 2007). Accordingly, the Court dismissed Petitioner’s unexhausted claims and stayed his remaining exhausted claims to permit Petitioner to present the unexhausted claims to the California Supreme Court (Docket Entry No. 25). The Court ordered Petitioner to file status reports, beginning April 20, 2015, and every sixty (60) thereafter, addressing the status of Petitioner’s state habeas petition, including the date it was filed, the court in which it is pending, the case number and any recent activity. Id. at 2.

To date, Petitioner has failed to file a status report informing the Court of the status of his state habeas petition, in compliance with the Court’s Order.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the Court should not dismiss this action for failure to prosecute or vacate the stay of this action. Petitioner must file a response to this Order **no later than July 16, 2015. Any response to this Order must include the following information: the status of Petitioner’s state habeas petition, including the date it was filed, the court in which it is pending, the case number and any recent activity.**

Petitioner is expressly warned that failure to file a timely response to this Order may result in the Court’s dismissal of this action be dismissed with prejudice for his failure to comply with Court

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orders. **See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.**