

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-14-5679 -AS Date August 11, 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

The Court is in receipt of Petitioner's "Notice of Returned Status Report Submitted to District Court July 1, 2015 ("Notice"), filed on July 17, 2015.

Based on Petitioner's Notice (which attached his Status Report dated July 1, 2015), the Court's June 26, 2015 Order to Show Cause is discharged.

Now that Petitioner's California Supreme Court habeas petition has been denied (see Notice at 11), the stay of the Petition pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003) (which the Court granted on February 17, 2015, see Docket Entry No. 25) is VACATED.

The Court is also in receipt of Petitioner's First Amended Petition for Writ of Habeas Corpus by a Person in State Custody ("First Amended Petition"), filed on July 15, 2015.

It is ORDERED that:

1. If Respondent contends that the First Amended Petition can be decided without the Court reaching the merits of Petitioner's claims, within thirty (30) days the date of this Minute Order (or by no later than September 10, 2015), Respondent may file a Motion to Dismiss the First Amended Petition. If Respondent files a Motion to Dismiss the First Amended Petition, Petitioner shall file his opposition, if any, to the Motion to Dismiss within thirty (30) days of the date of service thereof.

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2. If Respondent does not contend that the First Amended Petition can be decided without the Court reaching the merits of Petitioner's claims, Respondent shall file an Answer to the First Amended Petition within forty-five days of the date of this Minute Order (or by no later than September 25, 2015). If Respondent files an Answer to the First Amended Petition, Petitioner shall file his Reply within thirty (30) days of the date of service thereof.
3. All other provisions of the Court's July 24, 2014 Order Requiring Response to Petition remain in effect.