

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-14-05968 - R (AS) Date June 8, 2015

Title David G. Moore, Petitioner v. F. Foulk, Respondent.

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 30, 2014, Petitioner David G. Moore (“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 September 12, 2014, the Court stayed this action and ordered Petitioner to file status reports regarding the pending state habeas proceedings every sixty days (Docket Entry No. 9). On November 17, 2014, Petitioner filed a status report informing the Court that his habeas petition was denied by the Superior Court and that a habeas petition was pending in the California Court of Appeal (Docket Entry No. 10).

On March 25, 2015, the Court issued an Order to Show Cause why the Court should not dismiss this action with prejudice for failure to prosecute and obey Court orders because Petitioner had failed to file a status report on February 27, 2015. (Docket Entry No. 12). Petitioner was directed to file a response to the Order to Show Cause or a status report no later than April 15, 2015. *Id.* To date, Petitioner has failed to file a response to the Court’s March 25, 2015 Order or a status report informing the Court about the status of his pending state habeas petitions.

Moreover, it appears that Petitioner has failed to diligently pursue state habeas relief. According to the California Courts’ website,¹ the California Court of Appeal denied Petitioner’s state habeas petition in case no. B259248 on December 31, 2014 and there is no record of Petitioner subsequently filing a habeas petition in the California Supreme Court.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the Court should not vacate the stay of this action or dismiss this action with prejudice for failure to prosecute and obey court orders.

Petitioner must file a response to this Order **no later than June 29, 2015**. **Any response to this**

¹ The Court takes judicial notice of state court records that are available on the California Courts’ website at <http://appellatecases.courtinfo.ca.gov> (last visited June 5, 2015).

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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 a recommendation that this action be dismissed with prejudice for his failure to comply with Court orders. See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.