

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES-GENERAL

Case No. CV 14-7813-DSF (PLA)

Date March 3, 2015

Title: Anthony Joseph Cappiello v. CIM Warden, Tim Perez

PRESENT: THE HONORABLE PAUL L. ABRAMS

U.S. DISTRICT JUDGE

MAGISTRATE JUDGE

Christianna Howard
Deputy Clerk

N/A
Court Reporter / Recorder

N/A
Tape No.

ATTORNEYS PRESENT FOR PETITIONER:
NONE

ATTORNEYS PRESENT FOR RESPONDENT:
NONE

PROCEEDINGS: (IN CHAMBERS)

On October 8, 2014, petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody. On December 10, 2014, respondent filed a Motion to Dismiss on the ground that all of petitioner's claims are unexhausted. (Dkt. No. 7). Per the Court's October 10, 2014, Order Requiring Response to Petition for Writ of Habeas Corpus, petitioner's opposition to the Motion to Dismiss was due by January 10, 2015. (Dkt. No. 3). When, as of January 26, 2015, petitioner had not filed an opposition to the Motion to Dismiss, the Court ordered petitioner to file an opposition to the Motion to Dismiss "**no later than February 23, 2015.**" (Dkt. No. 9). Petitioner was advised that "failure to oppose a motion to dismiss may be construed as consent to the granting of the motion, and may result in dismissal of the action." (*Id.*). On February 25, 2015, the Court's January 26, 2015, Order was returned to the Court with the notation "Paroled 01/16/15." (Dkt. No. 10).

The Local Rules of this Court provide in pertinent part that:

A party proceeding pro se shall keep the Court and opposing parties apprised of such party's current address and telephone number, if any, and e-mail address, if any. If mail directed by the Clerk to a pro se plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of said plaintiff's current address, the Court may dismiss the action with or without prejudice for want of prosecution.

C.D. Cal. R. 41-6.

Petitioner has failed to comply with Local Rule 41-6 by failing to notify the Court of his current address. Accordingly, petitioner is ordered to show cause **no later than March 16, 2015**, why this case should not be summarily dismissed for failure to prosecute and as unexhausted. Filing of petitioner's current contact information in compliance with Local Rule 41-6, and filing of an opposition to the Motion to Dismiss, **on or**

before March 16, 2015, shall be deemed compliance with this Order to Show Cause. **Failure to respond by March 16, 2015, will result in the instant Petition being summarily dismissed with prejudice** for failure to prosecute and to obey court orders, and as unexhausted.

cc: Anthony Joseph Cappiello, pro se
Shira Seigle Markovich, CAAG

Initials of Deputy Clerk ch