

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-5862 DOC (MRW)	Date	October 6, 2016
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Title	Cleveland v. Katavich
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Present: The Honorable	Michael R. Wilner
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Veronica Piper	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Petitioner:	Attorneys Present for Respondent:
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n/a	n/a
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Proceedings: ORDER TO SHOW CAUSE RE: DISMISSAL

1. In June 2016, the Court dismissed several claims in the Petition without prejudice because they were unexhausted under 28 U.S.C. § 2254. The Court simultaneously granted Petitioner's request for a stay of this action pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003) so that Petitioner could exhaust the dismissed claims in state court. (Docket # 43.)

2. The Court also issued an order directing Petitioner to file a report on the first day of every other month beginning on July 1, 2016. (Docket # 44.) The order specified that Petitioner's reports should inform the court of the status of the state court litigation and relevant case numbers. Additionally, the order informed Petitioner that he could file a notice with the court and withdraw his stay request if he no longer wanted to pursue the dismissed claims in state court.

3. To date, Petitioner has not filed any report with the Court. Plaintiff is ordered to show cause for his failure to comply with the Court's earlier order requiring him to file status reports. Plaintiff will file a sworn statement (not to exceed five pages) by **October 28, 2016**, explaining why he hasn't filed any status reports. That statement must also provide the previously requested information about his state case, if any, or inform the Court that he no longer wishes to pursue the dismissed claims.

Failure to file a timely submission as directed above will result in a recommendation that this action be dismissed for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).