

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 15-5862 DOC (MRW)	Date	February 16, 2017
Title	Cleveland v. Katavich		

Present: The Honorable	Michael R. Wilner
Veronica Piper	n/a
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Petitioner:	Attorneys Present for Respondent:
n/a	n/a

**Proceedings:** ORDER TO SHOW CAUSE RE: DISMISSAL

1. This is the third time in this habeas action that the Court issued an Order to Show Cause why the entire action should not be dismissed due to Petitioner's failure to comply with Court orders. (Docket # 7, 46.)

2. 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.)

3. In early January 2017, the Court informed Petitioner that the state supreme court denied his habeas petition without comment. (Docket # 55.) The Court lifted the stay in this action. It also directed Petitioner to file an amended petition by early February that clearly indicated the claims for which he sought relief plus a statement as to why the claims were properly exhausted and timely under AEDPA.<sup>1</sup> However, Petitioner failed to file a timely response to the Court's instruction.

4. Petitioner is ordered to show cause for his failure to comply with the Court's earlier order. Petitioner will have one final opportunity to explain what his claims are and why he is entitled to pursue them. Petitioner's submission will be due by March 7. No further continuances will be granted save for exceptional cause shown.

<sup>1</sup> Petitioner's chaotic submissions during the pendency of the state habeas proceedings (Docket # 49, 50) failed to meet these basic principles.

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**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).**