

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 15-9840-VBF (KK)**

Date: October 28, 2016

Title: ***Steven D. Young v. William Muniz***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

DEB TAYLOR

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Petitioner:

None Present

Attorney(s) Present for Respondent:

None Present

Proceedings: Order to Show Cause Why Kelly Stay Should Not Be Vacated For Failure to File a Status Report

On April 5, 2016, the Court issued an Order granting Petitioner’s request for a Kelly stay and requiring Petitioner to file a status report by July 5, 2016 and every 90 days thereafter. ECF Docket No. (“dkt.”) 15. In the status report, Petitioner was to address the status of Petitioner’s exhaustion efforts in state court. See id. at 3. Petitioner was expressly warned that if he failed to act diligently in seeking to exhaust his state court remedies or to file the required status reports, “the Court may vacate the stay and prohibit Petitioner from raising any new claims in this action.” Id.

Petitioner’s last status report was filed on July 5, 2016. Dkt. 16. A status report was, thus, due on or about October 4, 2016.

Over three weeks have passed since the October 4, 2016 deadline, and Petitioner has failed to file a status report. Nor has Petitioner made any other communication with the Court. Petitioner is therefore in violation of the Court’s April 5, 2016 Order. As such, Petitioner is **ORDERED TO SHOW CAUSE** by **November 21, 2016** as to why the Kelly stay should not be vacated and why Petitioner should not be prohibited from raising new claims in this action, for failure to comply with the Court’s Order to file a status report. Petitioner may discharge this Order to Show Cause by filing the required status report by **November 21, 2016**.

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Petitioner is expressly warned that failure to timely file a response to this Order will result in this action being dismissed with prejudice for his failure to comply with Court orders and failure to prosecute. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.