

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 16-5834 JGB (MRW) Date May 12, 2017

Title Ponce v. Baughman

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None present

None present

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

1. In February 2017, the Court granted Petitioner’s request for a stay of this federal habeas action. (Docket # 20.) Petitioner indicated that he wanted the opportunity to present newly discovered evidence regarding his ineffective assistance claim in state court. (Docket # 14.) The Court directed Petitioner to file a report on the first business day of every other month starting in April 2017, informing the Court of the status of his state court litigation and relevant case numbers. (The Court independently confirmed that the state appellate court denied Petitioner habeas relief earlier this month. In re Ponce, No. B281771 (Cal. App. May 4, 2017).)

2. However, Petitioner failed to comply with the Court’s order – he never filed any status report. Petitioner has an obligation to prosecute this federal case diligently and to follow orders of this Court, including keeping the Court informed about the status of his collateral actions in state court. Fed. R. Civ. P. 41.

3. Therefore, Petitioner is ORDERED to show cause why this action should not be dismissed for dilatory conduct and disobeying a Court order. Petitioner will file a statement (not to exceed five pages) by no later than June 12 explaining in detail and with adequate support (a) why he didn’t comply with the Court’s February order and (b) the current status of his state court actions.

**Failure to comply 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).**