

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-06968-AB (AS)	Date	April 10, 2017
Title	<u>Michael Skinner v. Raymond Madden</u>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge		
	Alma Felix		N/A
	Deputy Clerk		Court Reporter / Recorder
	Attorneys Present for Petitioner:		Attorneys Present for Respondent:
	N/A		N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

On September 16, 2016, Michael Skinner (“Petitioner”), a California prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (“Petition”). (Docket Entry No. 1).

On the same date, Petitioner filed a Motion for a Stay and Abeyance (“Motion for a Stay”), requesting that the unexhausted claims of the Petition (Grounds Two through Four) be dismissed, and moving for a stay of the action pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003), overruled in part on other grounds by Robbins v. Carey, 481 F.3d 1143, 1149 (9th Cir. 2007). (Docket Entry No. 2). On October 27, 2016, Respondent filed a Notice of Non-Opposition to the Motion for a Stay. (Docket Entry No. 9).

On October 27, 2016, the Court issued an Order granting the Motion for a Stay. (Docket Entry No. 10). Accordingly, the Court dismissed Petitioner’s unexhausted claims (Grounds Two through Four) and stayed his remaining exhausted claim (Ground One) to permit Petitioner to present the unexhausted claims to the California courts. Id. at 1. The Court ordered Petitioner to file a status report, no later than December 26, 2016, addressing the status of Petitioner’s state habeas petition, including the date it was filed, the court in which it is pending, the case number, and any recent activity. Id. at 1-2. The Court also directed Petitioner to file a motion to amend the Petition, accompanied by a proposed First Amended Petition that alleges only the currently exhausted claim and the newly exhausted claims within thirty (30) days of the California Supreme Court’s decision on a habeas petition filed by Petitioner. Id. at 2. Petitioner was expressly warned that failure to comply with the Court’s Order may result in a recommendation that this action be dismissed with

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 16-06968-AB (AS)

Date April 10, 2017

Title Michael Skinner v. Raymond Madden

prejudice for his failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b). Id.

Petitioner filed his first status report on December 29, 2016. (Docket Entry No. 12).

On March 1, 2017, the Court issued an Order granting Petitioner's motion for an extension of time to file his status report (Docket Entry No. 17), so that Petitioner's status report was due no later than March 29, 2017. (Docket Entry No. 18).

To date, Petitioner has failed to file a status report informing the Court of the status of his state habeas petition, in noncompliance with the Court's Orders dated October 27, 2016 and March 1, 2017.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the Court should not dismiss this action for failure to prosecute and/or comply with Court orders, or vacate the stay of this action. Petitioner must file a response to this Order no later than **April 20, 2017**. Any response to this Order must include the following information: the status of Petitioner's state habeas petition, including the date it was filed, the court in which it is pending, the case number and any recent activity.

Petitioner is expressly warned that failure to file a timely response to this Order will result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and/or obey Court orders. See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.

Initials of Preparer 0 : 0
AF