

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 16-07813-DOC (AS)	<b>Date</b>	June 1, 2017
<b>Title</b>	<u>Salvador Rios Romo v. Dave Davey, Warden</u>		

<b>Present: The Honorable</b>	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 October 20, 2016, Salvador Rios Romo (“Petitioner”) filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1).

On March 24, 2017, the Court issued an Order denying Petitioner’s motion for a stay pursuant to Rhines v. Webber, 544 U.S. 269 (2005), but granting Petitioner’s alternative motion for a stay pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002). (Docket Entry No. 21). Accordingly, the Court dismissed Petitioner’s unexhausted claims (Grounds One, Three, Four and Five) and stayed his remaining exhausted claim (Ground Two) to permit Petitioner to present the unexhausted claims to the California Supreme Court Id. at 3. The Court ordered Petitioner to file a status report, no later than May 16, 2017, 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. The Court also directed Petitioner to notify the Court within thirty (30) days of the California Supreme Court’s decision on a habeas petition filed by Petitioner. Id. Petitioner was expressly warned that failure to comply with the Court’s Order may result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b). Id. at 4.

To date, Petitioner has failed to file a status report informing the Court of the status of his state habeas petition, in non-compliance with the Court’s March 24, 2017 Order.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the Court should not

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dismiss this action for failure to prosecute and/or obey a Court order. Petitioner must file a response to this Order **no later than June 21, 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 comply with 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

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