

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STEPHEN RICARDO BANKS,	)	Case No. CV 16-7975-JGB (JPR)
	)	
Petitioner,	)	
	)	ORDER SUMMARILY DISMISSING HABEAS
v.	)	PETITION AND ADMINISTRATIVELY
	)	CLOSING CASE
W.L. MUNIZ, Warden,	)	
	)	
Respondent.	)	
	)	

---


On March 8, 2017, the Magistrate Judge ordered Petitioner to show cause why his federal habeas Petition should not be dismissed without prejudice under Younger v. Harris, 401 U.S. 37, 45-46 (1971), because the conviction and sentence he challenged were not yet final. She gave Petitioner until March 29, 2017, to respond to the OSC and warned him that if he did not do so, his Petition could be dismissed for the reasons stated in the OSC "and/or for failure to prosecute." Petitioner has not responded to the OSC or requested an extension of time to do so. His appeal of his state conviction and resentencing remain pending in the state court of appeal.

Rule 4 of the Rules Governing § 2254 Cases states that a

1 district judge "must dismiss" a petition "[i]f it plainly appears  
2 from the petition and any attached exhibits that the petitioner  
3 is not entitled to relief." See also C.D. Cal. R. 72-3.2  
4 (providing for magistrate judges to prepare summary-dismissal  
5 orders for district judges' signature).

6 Accordingly, for the reasons stated in the Magistrate  
7 Judge's March 8, 2017 Order to Show Cause, the Petition is  
8 DISMISSED without prejudice. The Clerk is directed to  
9 administratively close this case.

10  
11 DATED: April 27, 2017

  
\_\_\_\_\_  
JESUS G. BERNAL  
U.S. DISTRICT JUDGE

12  
13  
14 Presented by:

15   
\_\_\_\_\_  
16 Jean Rosenbluth  
17 U.S. Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28