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

TERRANCE BELL,

Petitioner,

v.

W.L. MONTGOMERY,

Respondent.

Case No. CV 16-09212 JAK (AFM)

ORDER TO SHOW CAUSE

On December 7, 2016, petitioner constructively filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. The Petition raised two broad claims of ineffective assistance of counsel, both of which are unexhausted. Concurrently, petitioner filed a motion for stay and abeyance under *Rhines v. Weber*, 544 U.S. 269 (2005).

On April 18, 2017, the Court granted petitioner's motion for a *Rhines* stay. The Court also ordered petitioner to file a status report within **twenty-one (21)** days about the progress of his habeas petitions in the California Court of Appeal and/or the California Supreme Court.

1 More than twenty-one days have elapsed since the service of the Order on
2 petitioner. As of this date, petitioner has not filed a status report or otherwise
3 communicated with the Court.

4 Accordingly, petitioner is ORDERED TO SHOW CAUSE within **twenty-**
5 **one (21)** days of the date of this Order why the Court should not dismiss his
6 Petition without prejudice for failure to prosecute. Petitioner may discharge this
7 Order by filing, within **twenty-one (21)** days of the date of this Order, a status
8 report as required by the Court in its order issued on April 18, 2017.

9 **Petitioner's failure to timely comply with this Order will result in a**
10 **recommendation that this action be dismissed without prejudice for failure to**
11 **prosecute.**

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13 DATED: May 26, 2017

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16 ALEXANDER F. MacKINNON
17 UNITED STATES MAGISTRATE JUDGE
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