UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-918 ODW (MRW)	Date	May 4, 2017
Title	Hennes v. Madden		

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 mid-March 2017, the Court granted Petitioner's request for a stay of this federal habeas action. (Docket # 7.) Petitioner indicated that he wanted the opportunity to present his unexhausted habeas claims – described in his request to amend the habeas petition – in state court. (Docket # 6.) As a result, the Court directed Petitioner to promptly commence his new habeas proceeding in state court.

2. However, he hasn't done so yet. In early May, the Court received a status report from Petitioner. (Docket # 8.) Petitioner informed the Court the he might need an additional two months to file his state case. He based this request on a broad and unsupported statement that "efforts are being made to obtain Petitioner's trial file." Petitioner made no effort to explain why so much time is needed, what efforts Petitioner is taking to obtain these items, and how they relate to the claims he wishes to advance.

3. Petitioner has an obligation to prosecute this federal case diligently and to follow orders of this Court. Fed. R. Civ. P. 41. Yet, a delay of several months to file a state habeas action already laid out in his federal papers does not demonstrate diligence.

4. Therefore, Petitioner is ORDERED to show cause why this action should not be dismissed for dilatory conduct. Petitioner will file a statement (not to exceed five pages) by no later than June 1 explaining in detail and with adequate support why he hasn't commenced his state habeas proceedings. Alternatively, Petitioner may avoid dismissal by filing with this Court proof that he filed a state action.

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).