

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 17-3089-JFW (KS) Date: August 3, 2017

Title *Miguel Angel Sanchez v. Unknown*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL**

On April 6, 2017, Petitioner, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a Petition for Writ of Habeas Corpus (the “Petition”) pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) On April 20, 2017, the matter was transferred to this District (Dkt. No. 4), and on May 3, 2017, the Court ordered Petitioner to show cause no later than June 2, 2017 why the action should not be dismissed due to multiple defects in the Petition (Dkt. No. 7). Specifically, the Court ordered Petitioner to file a First Amended Petition in which he: identifies a respondent; clearly states Petitioner’s grounds for relief with supporting factual allegations; presents claims that challenge the constitutionality of his conviction or sentence, as opposed to claims arising solely under state law and/or attacking the conditions of his confinement; and indicates whether his claims have been exhausted in the state courts. (*Id.*) The Court warned Petitioner that his failure to timely comply with the May 3, 2017 Order to Show Cause could result in dismissal. (*Id.*)

On June 8, 2017, Petitioner requested an extension of time to file a First Amended Petition (Dkt. No. 9), which the Court granted on June 12, 2017 (Dkt. No. 10). The Court ordered Petitioner to file a First Amended Petition no later than July 2, 2017. (Dkt. No. 10.)

On July 12, 2017, the Court received a letter from Petitioner indicating that he had been unable to mail the documents by the July 2, 2017 deadline but that he would put them in the mail on July 9, 2017. (Dkt. No. 12.)

More than a month has now passed since Petitioner’s First Amended Petition was due and nearly four weeks have passed since the date on which Petitioner assured the Court that he

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would place the First Amended Petition in the mail. However, Petitioner has not filed a First Amended Petition. Accordingly, the action is now subject to dismissal under Rule 41(b) of the Federal Rules of Civil Procedure. Nevertheless, in the interests of justice, Petitioner shall receive one final opportunity to file a First Amended Petition. Accordingly, **IT IS HEREBY ORDERED that, no later than August 24, 2017, Petitioner shall file either:**

- (1) a First Amended Petition that complies with the Court’s May 3, 2017 Order; or**
- (2) a signed application for an enlargement of time and competent evidence, such as a declaration signed under penalty of perjury, demonstrating good cause for such an extension**

Alternatively, if Petitioner does not wish to proceed with this action at this time, he may file a signed document entitled “Notice Of Voluntary Dismissal” and the action will be dismissed without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

**Petitioner is advised that his failure to timely comply with this Order will result in a recommendation to dismiss this case for failure to prosecute and comply with court orders pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41-1.**

**IT IS SO ORDERED.**

**Initials of Preparer**

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