

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

CIVIL MINUTES – GENERAL

Case No. 2:17-cv-08161-RGK-KES

Date: April 2, 2018

Title: JOHN PAUL McPHERSON v. WARDEN CHARLES W. CALLAHAN

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

PROCEEDINGS (IN CHAMBERS):

**Order to Show Cause re No Response to
Motion to Dismiss**

On November 8, 2017, John Paul McPherson (“Petitioner”) filed a counseled petition for writ of habeas corpus under 28 U.S.C. § 2254. (Dkt. 1 [“Petition”].) The Petition raises one claim: that, by refusing to allow Petitioner to withdraw his plea, the trial court violated his Sixth Amendment right to a trial and his right to present a newly-discovered legitimate defense which was not apparent to him at the time of his no contest plea. (*Id.* ¶ 8(a).)

The Court ordered Respondent to file a response to the Petition (Dkt. 4), and on February 14, 2018, Respondent moved to dismiss the Petition as unexhausted (Dkt. 10; *see also* Dkt. 11 [notice of lodging relevant state court documents]). Respondent contends that Petitioner failed to alert the California Supreme Court to the federal nature of his claim. (*Id.* at 3.)

Pursuant to the Court’s order requiring a response to the Petition, Petitioner response to the motion to dismiss was due within 20 days of service, i.e., by March 6, 2018. (Dkt. 4 ¶ 5.) As of the date of this Order, the Court has not received a response from Petitioner.

IT IS HEREBY ORDERED that Petitioner’s deadline to file a response to the motion to dismiss is hereby extended until **April 16, 2018**. **Failure to file a response by that date may result in the motion to dismiss being granted as unopposed, or in dismissal of the Petition for lack of diligent prosecution.**

Initials of Deputy Clerk JDs