

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:17-cv-08418-DSF (SK)	Date	November 21, 2017
Title	Thomas Walker v. J. Gestillo		

Present: The Honorable	Steve Kim, United States Magistrate Judge		
	Marc Krause	n/a	
	Deputy Clerk	Court Reporter / Recorder	
	Attorneys Present for Petitioner:	Attorneys Present for Respondent:	
	None present	None present	

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: EXHAUSTION

Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for first-degree burglary and related crimes. (Pet., ECF No. 1). It is clear from the face of the Petition that Petitioner has not exhausted his remedies in state court for each claim raised. (Pet. at 7). A federal court may not grant habeas relief to a person held in state custody, unless he has exhausted available state court remedies by fairly presenting his federal claims to the California Supreme Court. *See* 28 U.S.C. § 2254(b)(1)(A); *Baldwin v. Reese*, 541 U.S. 27, 29 (2004); *Rose v. Lundy*, 455 U.S. 509, 518–22 (1982).

Therefore, Petitioner is ORDERED TO SHOW CAUSE on or before **December 21, 2017**, why the petition should not be dismissed for failure to exhaust state remedies. Alternatively, Petitioner may voluntarily dismiss this action in order to exhaust his state remedies and file a new petition in federal court, if necessary, after the requisite exhaustion. *See Slack v. McDaniel*, 529 U.S. 473, 486 (2000). The Clerk is directed to provide Petitioner with a Notice of Dismissal Form (CV-009).

Petitioner is advised that failure to file a timely response to this Order to Show Cause may result in dismissal of this action for failure to prosecute. See Fed. R. Civ. P 41(b); L.R. 41-1.