

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	2:17-cv-09154-ODW (SK)	<b>Date</b>	January 10, 2018
-----------------	------------------------	-------------	------------------

<b>Title</b>	Maurice Carlo Baugh v. Josie Gastelo
--------------	--------------------------------------

<b>Present: The Honorable</b>	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 shooting at an inhabited dwelling, being a felon in possession of a firearm, and two counts of assault with a firearm. (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 **February 9, 2018**, 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.**