

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 21-8971-MEMF (AS) Date September 14, 2022

Title Demetric Andre Brooks v. Patrick Covello, Warden

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner

Attorneys Present for Respondent:

N/A

N/A

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

On March 3, 2022, the Court issued an order granting Petitioner’s motion for a stay and abeyance of his Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, (“Petition”) to permit Petitioner to file state habeas petitions seeking to exhaust his claims in state court. (Dkt. No. 13). Petitioner was ordered, “[b]eginning May 4, 2022, and every sixty (60) days thereafter, [] [to] file a “Status Report” setting forth all activity that has occurred since the filing of . . . the previous Status Report[.]” Id. Petitioner was warned that the “[f]ailure to file a required Status Report in accordance with [the Court’s] Order may result in a recommendation that this action be dismissed without prejudice for failure to prosecute and/or failure to comply with a court order.” Id.

On June 8, 2022, Petitioner filed a status report indicating that he had filed a timely notice of appeal from the state court’s denial of his claims. (Dkt. No. 17). Petitioner’s next status report was due on August 8, 2022, but to date, Petitioner has failed to file a status report or otherwise communicate with the Court regarding his efforts to exhaust the claims in his Petition.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE within **twenty-one (21) days** of the date of this Order (by no later than **October 5, 2022**), why this action should not be dismissed with prejudice for failure to prosecute and/or for failure to comply with Court orders. Petitioner may discharge this Order by filing a Status Report or by filing a declaration under penalty of perjury stating why he is unable to do so.

If Petitioner no longer wishes to pursue this action, he may request a voluntary

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dismissal of this action pursuant to Fed. R. Civ. P. 41(a). A Notice of Dismissal form is attached for Petitioner's convenience.

Petitioner is warned that the failure to timely file a response to this Order may result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and/or obey court orders. See Fed. R. Civ. P. 41(b).

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