

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-00850-AH-AJR

Date: March 4, 2025

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Title: Thomas Enrico DeFelice v. Trent Allen

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DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

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PRESENT:

**HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE**

Claudia Garcia-Marquez

Deputy Clerk

None

Court Reporter/Recorder

None

Tape No.

ATTORNEYS PRESENT FOR PETITIONER:

None Present

ATTORNEYS PRESENT FOR RESPONDENT:

None Present

**PROCEEDINGS: (IN CHAMBERS)**

On January 29, 2024, *pro se* Petitioner Thomas Enrico DeFelice (“Petitioner”), a California state prisoner then confined at Salinas Valley State Prison in Soledad, California, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (“Petition”). (Dkt. 1.) On September 20, 2024, this Court issued an order staying Petitioner’s case pursuant to Rhines v. Weber, 544 U.S. 269, 276 (2005), so that Petitioner could exhaust his state court remedies. (Dkt. 26.) As conditions of the stay, the Court ordered Petitioner to:

1. File a state habeas petition in the California Supreme Court setting forth the Petition’s unexhausted ground no later than October 20, 2024.

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2. File with this Court, a Notice of Filing State Habeas Petition and attach a copy of the state habeas petition (without exhibits) no later than October 28, 2024.
3. File a status report in this Court no later than September 20, 2024, informing the Court of his progress in exhausting his state court remedies. This Court further ordered Petitioner to file further status reports **every sixty (60) days** following his first status report until the California Supreme Court issues its decision.

(Id. at 6-7.)

Petitioner was warned that failure to comply with the conditions of the stay order could result in a recommendation that this action be dismissed with prejudice for failure to prosecute. Petitioner filed a Notice of Filing State Habeas Petition on October 17, 2024. (Dkt. 27.) Petitioner subsequently filed status reports on October 28, 2023 and December 23, 2024. (Dkts. 28, 30.) Petitioner’s most recent status report states “[t]he next report is due 2-25-2025.” (Dkt. 30 at 1.) Accordingly, a week has passed since Petitioner’s deadline to file a status report regarding his efforts to exhaust is state court remedies and no status report has been received.

Petitioner is ordered to file a status report regarding his efforts to exhaust his state court remedies by **March 18, 2025**, or show cause why this action should not be dismissed with prejudice for failure to prosecute. **Petitioner is expressly advised that if he does not file a status report by the Court’s deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders.** If Petitioner no longer wishes to pursue this action, he may voluntarily dismiss the action by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Petitioner’s convenience.

IT IS SO ORDERED.

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

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**Attachment:**

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).