

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 13-1943 BRO(JC) Date March 6, 2014

Title Britin Riley v. Warden Soto

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Hana Rashad

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

none

none

Proceedings: (IN CHAMBERS)

**ORDER TO SHOW CAUSE REGARDING PETITIONER'S FAILURE TO
COMPLY WITH COURT ORDER AND TO FILE STATUS REPORT**

On October 15, 2013, petitioner, who is in state custody and is proceeding *pro se*, signed and is deemed to have constructively filed a Petition for a Writ of Habeas Corpus by a Person in State Custody ("Petition") containing two claims. Petitioner concurrently filed a motion seeking to stay and abey this action pending his exhaustion of additional claims in state court. By order dated November 12, 2013 ("November Order"), the District Judge granted petitioner's motion to stay and abey and directed him, beginning thirty (30) days from the date of the November Order and every sixty (60) days thereafter, to file a status report detailing the status of the state court proceedings in issue. The November Order further expressly cautioned petitioner that the failure to meet any of the time requirements contained in the November Order would result in an order vacating the stay, *nunc pro tunc*, might preclude consideration of the unexhausted claims, and might result in the dismissal of this action for lack of prosecution.

Petitioner mailed and is deemed timely to have constructively filed the initial status report called for by the November Order on December 11, 2013. Although well over sixty (60) days have passed since December 11, 2013, petitioner has failed timely to file the next required status report. Petitioner has likewise failed to seek an extension of time to file such status report. Nor has petitioner requested or been excused from the obligation timely to file such report.

IT IS THEREFORE ORDERED: By no later than **March 26, 2014**, petitioner shall show cause, if there be any (1) for his failure timely to file the required status report; and (2) why this action should not be dismissed based on petitioner's failure to file the required status report, to comply with the District Judge's order, and/or petitioner's failure to prosecute. **Petitioner is cautioned that the failure timely to comply with this Order to Show Cause may result in the dismissal of this action based upon petitioner's failure to comply with Court's orders and/or petitioner's failure to prosecute this action, or may result in an order vacating the stay, *nunc pro tunc*, which may preclude consideration of his unexhausted claims.**

IT IS SO ORDERED.

Initials of Deputy Clerk: hr