

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 14-1831 - MMM (AS)	Date	December 8, 2014
Title	Sidney Davis, Petitioner v. Mule Creek State Prison, Respondent		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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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 July 3, 2014, Petitioner Sidney Davis (“Petitioner”) filed a Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C. § 2254 (“Petition”) (Docket Entry No. 1). On October 27, 2014, Respondent filed a Motion to Dismiss the Petition, contending that the petition is untimely and that the sole claim raised in the petition is unexhausted (“Motion”) (Docket Entry No. 18). On October 27, 2014, the Court issued an Order directing Petitioner to file an Opposition to the Motion to Dismiss no later than November 27, 2014. As of today, however, Petitioner has failed to file an Opposition to the Motion to Dismiss or request an extension of time in which to do so.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE within **twenty-one (21) days** of the date of this Order, or **no later than December 29, 2014**, why this action should not be dismissed with prejudice for failure to prosecute. Petitioner may discharge this Order by filing an Opposition to the Motion to Dismiss, 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 dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Petitioner’s convenience. Petitioner is warned that failure to timely file a response to this Order may result in a recommendation that this action be dismissed with prejudice for failure to prosecute and obey court orders pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of the Court is directed to serve a copy of this Order upon Petitioner at his address of record.