

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 16-02297-VBF (JDE) EDCV 17-00393-VBF (JDE)	Date	July 28, 2017
Title	Travon Stewart v. Debbie Asuncion Travon Stewart v. Spearman		

Present: The Honorable	John D. Early		
	Ivette Gomez		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 Regarding Second Petition

On November 3, 2016, petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody (28 U.S.C. § 2254) in this Court, which was assigned Case No. EDCV 16-02297 (the “2016 Petition”). On May 16, 2017, the Court ordered Respondent Debbie Asuncion, Warden, to answer or otherwise respond to the 2016 Petition, which response is currently due July 31, 2017.

It appears that on February 24, 2017, Petitioner filed a separate Petitioner for Writ of Habeas Corpus by a Person in State Custody in the United States District Court for the Eastern District of California (the “2017 Petition”). The 2017 Petition was ordered transferred to this District and is now pending in this District under case number EDCV 17-00393-VBF. The 2017 Petition has not been ordered served on Respondent in that case.

Petitioner has not sought to amend his 2016 Petition. Petitioner may not proceed simultaneously with two separate petitions for habeas corpus relief in this Court.

Petitioner is ordered to show cause in writing by **no later than August 28, 2017**, why the 2017 Petition should not be ordered summarily dismissed. Because the 2017 Petition has not been ordered served and no responsive pleading has been filed, Petitioner may also request that the 2017 Petition be dismissed voluntarily under Federal Rule of Civil Procedure 41(a). Such dismissal shall be without prejudice to pursuing the 2016 Petition.

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