## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

## **CIVIL MINUTES - GENERAL**

Case No.	EDCV 19-0	2-01476-SVW (AS)			October 10, 2019	
Title	Thomas Vin	cent Rodriguez v. Unnamed				
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

(IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS ACTION **Proceedings:** SHOULD NOT BE DISMISSED

On August 8, 2019, Thomas Vincent Rodriguez ("Petitioner") filed a "Petition for Writ of Habeas Corpus." (Docket Entry No. 1).

On August 13, 2019, the Court issued an Order directing Petitioner to file, by no later than later than September 3, 2019, a First Amended Petition for Writ of Habeas Corpus (pursuant to either 28 U.S.C. § 2254 or 28 U.S.C. § 2241) on the proper Central District of California form setting forth "clearly each claim which Petitioner intends to raise in this proceeding and the factual bases for each claim." (Docket Entry No. 3).

The Court's August 13, 2019 Order stated the following: "Petitioner is advised that his failure to comply with the above requirements may result in a recommendation that this action be dismissed for failure to comply with the Court's Order and/or for failure to prosecute pursuant to Fed.R.Civ.P. 41(b)." Id. at 2 (citing to Pagtalunan v. Golaza, 291 F.3d 639 (9th Cir. 2002)).

As of today, however, Petitioner has failed to respond to the Court's August 13, 2019 Order.

Therefore, Petitioner is ORDERED TO SHOW CAUSE, within thirty (30) days of the date of this Order (by no later than November 12, 2019), why this action should not be

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dismissed for his failure to comply with Court orders and/or for his failure to prosecute pursuant to Fed.R.Civ.P. 41(b). Petitioner may discharge this Order by filing a First Amended Petition that complies with the Court's August 13, 2019 Order or a statement setting forth why he is unable to do so. A copy of the Court's August 13, 2019 Order is attached.

Petitioner may also 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. However, Petitioner is advised that any dismissed claims may be later subject to the statute of limitations under 28 U.S.C. § 2244(d)(1), as amended by AEDPA, which provides that "[a] 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State Court."

Petitioner is expressly warned that the failure to file a timely file a response to this Order <u>will</u> result in a recommendation that this action be dismissed with prejudice for his failure to comply with Court orders and/or for his failure to prosecute. <u>See</u> Fed.R. Civ. P. 41(b).

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