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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL COREY SLAUGHTER,
Petitioner,

v.

KEVIN CHAPPELL, AS WARDEN OF SAN
QUENTIN CALIFORNIA STATE PRISON,
Respondent.

Case No. 1:05-cv-00922-AWI-SAB

DEATH PENALTY CASE

ORDER THAT PETITIONER SHOW CAUSE
WHY CLAIM 47 SHOULD NOT BE
DISMISSED WITH PREJUDICE

FOURTEEN (14) DAY DEADLINE

ORDER THAT PARTIES FILE A JOINT
STATEMENT REGARDING EXHAUSTION
STATUS OF SECOND AMENDED
PETITION

FORTY-FIVE (45) DAY DEADLINE

On August 18, 2014, the Court ordered Claim 47 (claim 13 in the state petition), which alleges clerical error in the abstract of judgment, be held in reserve pending proceedings in Stanislaus County Superior Court for relief on that Claim. Petitioner notified the Court, on November 3, 2014, that the Superior Court had granted the requested relief.

On December 15, 2014, Respondent¹ filed his answer to the second amended petition for writ of habeas corpus. Respondent stated in the answer that aspects of Claims 7, 8, 9, and 19 are

¹ Ron Davis, the Acting Warden of San Quentin State Prison, is substituted as the named Respondent. Fed. R. Civ. P. 25(d).

1 unexhausted.

2 Accordingly, it is HEREBY ORDERED that:

- 3 1. Within fourteen (14) days from the filing of this order, Petitioner shall either show
4 cause why Claim 47 should not be dismissed with prejudice, or file a dismissal
5 with prejudice of Claim 47. The failure to respond or show cause will result in a
6 recommendation to the district judge that Claim 47 be dismissed with prejudice.
- 7 2. Within forty-five (45) days from filing of this order, the parties shall meet and
8 confer regarding exhaustion status of the second amended petition and file a joint
9 statement setting forth their respective positions. The Court will resolve any
10 dispute(s).

11 IT IS SO ORDERED.

12 Dated: December 22, 2014

13 
14 UNITED STATES MAGISTRATE JUDGE