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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES FLEMING,

1:09-cv-01765-SMS (HC)

Petitioner,

ORDER TO SHOW CAUSE WHY STAY
SHOULD NOT BE LIFTED FOR FAILURE TO
COMPLY WITH A COURT ORDER

v.

[Doc. 7]

MATTHEW CATE,

Respondent.

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by Allen R. Bloom, Esq.

On October 19, 2009, the Court granted Petitioner’s motion to stay and hold the petition in abeyance pending exhaustion in the state courts. (Court Doc. 7.) The Court directed Petitioner to file a status report every ninety days. (Id.) Petitioner timely filed a status report on January 25, 2010; however, Petitioner has failed to comply with the Court’s order by filing a subsequent status report within ninety days thereafter. Accordingly, Petitioner must show cause why the stay should not be lifted for failure to comply with the Court’s October 19, 2009.

Based on the foregoing, it is HEREBY ORDERED that:

1. Within thirty (30) days from the date of service of this order Petitioner shall show cause why the stay should not be lifted; and
2. Failure to comply with this order may result in sanctions pursuant to Local Rule

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IT IS SO ORDERED.

Dated: May 5, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE