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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE RODRIGUEZ PUERTO,	)	1:10-CV-01737 GSA HC
	)	
Petitioner,	)	ORDER DISCHARGING ORDER TO SHOW
	)	CAUSE ISSUED ON DECEMBER 15, 2010
v.	)	
	)	[Doc. #6]
RAUL LOPEZ,	)	
	)	
Respondent.	)	

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Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He is represented in this action by Mario Rodriguez, Esq.

On December 15, 2010, this Court issued an Order directing Petitioner to show cause why the petition should not be dismissed for his failure to comply with two court orders. Specifically, on September 22, 2010, and November 8, 2010, the Court issued orders directing Petitioner to file a completed consent/decline form. On December 22, 2010, Petitioner filed a completed consent form and a response to the order to show cause. Counsel for Petitioner states this is the first time he has used the Court’s CM/ECF electronic filing system and he was not aware a response was required from the emails he received. Based on Counsel’s response, it does not appear that dismissal is warranted. Upon receiving notice of the failures, Counsel promptly submitted a consent/decline form. There is no evidence that Counsel intentionally disregarded a court order.

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Accordingly, the December 15, 2010, Order to Show Cause is HEREBY DISCHARGED.

IT IS SO ORDERED.

**Dated: December 30, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE