

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN W. KRUEGER,

1:11-CV-00097 SMS HC

Petitioner,

ORDER REQUIRING PETITIONER TO
SUBMIT STATUS REPORT

v.

MATTHEW CATE,

Respondent.

_____/

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 3, 2011, the Court issued an order staying the petition pending exhaustion of Petitioner’s state remedies. Petitioner was directed to file a status report within thirty (30) days of the order and every three months thereafter. Over thirty (30) days have passed since the order was issued and Petitioner has not complied by filing a status report.

Petitioner is again advised of the time guidelines set forth in the previous order. In said order, the Court stated:

However, the Court will not indefinitely hold the petition in abeyance. Rhines, 544 U.S. at 277. Petitioner must proceed diligently to pursue his state court remedies. He is directed to file his petition in the California Supreme Court within thirty (30) days of the date of service of this Order and file a status report within thirty (30) days of the date of service of this Order, and he must file a status report every ninety (90) days thereafter advising the Court of the status of the state court proceedings. Following final action by the state courts, Petitioner will be allowed thirty (30) days to file a motion to lift the stay. Failure to comply with these instructions and time allowances will result in this Court vacating the stay *nunc pro tunc* to the date of this order. Rhines, 544 U.S. at 278.

1 (See Order Granting Stay, June 3, 2011, Doc. #15.)

2 Accordingly, Petitioner is ORDERED to submit a status report informing the Court what
3 cases have been filed in state court, the date of those filings, and any outcomes within fifteen (15)
4 days from the date of service of this order.

5 Petitioner is again cautioned that failure to comply with this Order and the time guidelines set
6 forth above will result in vacating the stay.

7

8

9 IT IS SO ORDERED.

10 **Dated: July 11, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28