1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 LARISSA SCHUSTER, Case No. 1:12-cv-01482-AWI-SAB 11 12 Petitioner, ORDER REGARDING RESPONDENT'S FAILURE TO RESPOND TO COURT'S 13 MAY 18, 2015 ORDER v. 14 DEBORAH K. JOHNSON, 15 Respondent. 16 Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant 17 to 28 U.S.C. § 2254. 18 On May 8, 2015, Petitioner's counsel filed a motion to withdraw as counsel with a 19 hearing set for May 20, 2015, at 9:30 a.m. (ECF No. 40). On May 18, 2015, the Court issued an 20 order continuing the hearing on the motion to withdraw as counsel to June 15, 2015, at 10:00 21

Before the Court could issue an order for Respondent to show cause why sanctions should not be imposed for failing to obey a court order, Respondent submitted a statement in

a.m. (ECF No. 41.) The Court ordered Respondent to file an opposition or non-opposition on or

before June 1, 2015. (ECF No. 41.) Respondent failed to file her opposition or non-opposition.

On June 3, 2015, the Court issued an order vacating the hearing set for June 15, 2015, and took

the matter under submission. (ECF No. 42). The Court indicated that it would issue an order to

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show cause in a separate order.

contemplation of the indicated order to show cause. (ECF No. 43). Respondent's counsel admitted that he failed to comply with the order to file an opposition or non-opposition to Petitioner's motion to withdraw as counsel and apologized to the Court. (ECF No. 43 at 2). Respondent's counsel states that he overlooked or forgot the part of the Court's order directing the filing of the opposition or non-opposition. (ECF No. 43 at 3). Respondent's counsel is advised that he must carefully read the Court's orders and comply with the Court's orders.

Accordingly, based upon Respondent's statement in contemplation of the indicated order to show cause and based upon the explanation, the Court will not issue an order to show cause in this matter.

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UNITED STATES MAGISTRATE JUDGE

11 IT IS SO ORDERED.

Dated: **June 4, 2015**