## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

CARLOS RUIZ,

Petitioner,

Petitioner,

V.

CONNIE GIPSON, Warden,

Respondent.

Case No.: 1:14-cv-00224-LJO-JLT

THIRD ORDER TO SHOW CAUSE WHY THE

STAY OF PROCEEDINGS SHOULD NOT BE

LIFTED DUE TO PETITIONER'S FAILURE TO

FILE REGULAR STATUS REPORTS

THIRTY-DAY DEADLINE

On February 24, 2014, the Court granted Petitioner's motion to stay proceedings in order to exhaust claims in state court. (Doc. 5). In that order, the Court notified Petitioner that he was required to file regular status reports at sixty-day intervals. A review of the docket in this case shows that, on two prior occasions, the Court had to issue an Order to Show Cause because Petitioner had failed to file timely and regular status reports. Now, for a third time, Petitioner is in the same position. The docket shows that Petitioner last filed a status report on September 9, 2015, approximately four months ago.

Local Rule 110 provides that "a failure of counsel or of a party to comply with these Local Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court." Here, Petitioner has failed to comply with the order of the Court regarding regular filing of status reports. **The Court emphasizes that the regular filing of status reports keeps the Court informed regarding whether or not Petitioner is still** 

1	actively pursuing his case. Even when there is nothing substantive to report to the Court, a
2	status report, indicating that there is nothing substantive to report to the Court, is required. In
3	that way, the Court can monitor stayed cases and insure that those cases do not become stale.
4	Petitioner has had three opportunities to comply with the Court's stay order and has failed each time.
5	The case is one of the Court's oldest cases and all parties are entitled to have the case move forward
6	without undue delay. If Petitioner fails to file regular status reports at any time in the future, the
7	Court will issue an order lifting the stay and order Respondent to file a response to the issues that
8	are presently exhausted. All non-exhausted claims will summarily be dismissed.
9	<u>ORDER</u>
10	For the foregoing reasons, the Court <b>ORDERS</b> :
11	1. Within 30 days, the Court <b>ORDERS</b> Petitioner to show cause in writing why the stay
12	should not be lifted due to Petitioner's failure to comply with the Court's order to regularly
13	file status reports.
14	Petitioner is forewarned that his failure to comply with this order may result in an order
15	lifting the stay pursuant to Local Rule 110.
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17	IT IS SO ORDERED.
18	Dated: February 3, 2016 /s/ Jennifer L. Thurston
19	UNITED STATES MAGISTRATE JUDGE
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