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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES E. WHITE,
Petitioner,

v.

CONNIE GIPSON, Warden,
Respondent.

1:14-cv-01214 MJS HC
ORDER VACATING JULY 13, 2015 ORDER TO SHOW CAUSE AS TO WHY THE STAY SHOULD NOT BE VACATED (Doc. 10.)
ORDER RENEWING REQUEST TO SHOW CAUSE AS TO WHY THE STAY SHOULD NOT BE VACATED
Response Due Within (30) Thirty Days

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(c). (ECF Nos. 6.)

On August 4, 2014, Petitioner filed the instant petition along with a motion to stay the proceedings. (Mot. to Stay, ECF No. 2.) Petitioner requested the Court stay his petition while he proceeded to attempt to exhaust his state court claims. The Court granted the stay on August 26, 2014. (ECF No. 7.)

Over ten months have passed since the matter was stayed. On July 13, 2015, the Court ordered Petitioner to show cause why the matter should remain stayed. On July 29, 2015 Petitioner filed a response to the order to show cause stating that his petition

1 with the California Supreme Court was still pending at the time of his response.

2 In light of Petitioner's response, the order to show cause issued on July 13, 2015
3 is VACATED.

4 However, the Court notes that according to the California Supreme Court website,
5 Petitioner's habeas petition was denied by the California Supreme Court on August 12,
6 2015. Accordingly, by way of this order, the Court again ORDERS Petitioner to show
7 cause why the stay should not be vacated in light of Petitioner's exhaustion of his claims
8 in state court.

9 **ORDER**

10 Accordingly, it is ORDERED that:

- 11 1.) The order to show cause issued on July 13, 2015 be VACATED (Doc. 10);
12 and
13 2.) Petitioner is hereby ordered to file a response to the second order to show
14 cause within thirty (30) days of service of this order explaining why the stay
15 should not be vacated in light of the potential exhaustion of his state court
16 remedies.

17 Petitioner is forewarned that failure to follow this order will result in dismissal of
18 the petition pursuant to Local Rule 110.
19 IT IS SO ORDERED.

20 Dated: September 8, 2015

21 */s/ Michael J. Seng*
22 UNITED STATES MAGISTRATE JUDGE
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