UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ELEAZAR RAMIREZ,) Case No.: 1:15-cv-01072-LJO-JLT
Petitioner,	ORDER TO SHOW CAUSE WHY THE STAY OF PROCEEDINGS SHOULD NOT BE LIFTED DUE
v.) TO PETITIONER'S FAILURE TO FILE) REGULAR STATUS REPORTS
DAVE DAVEY,)) THIRTY-DAY DEADLINE
Respondent.))
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On August 6, 2015, the Court granted Petitioner's motion to stay proceedings in order to exhaust claims in state court. (Doc. 10). 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 Petitioner last filed a status report on August 12, 2015, over five 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 actively pursuing his case. Even when there is nothing substantive to report to the Court, a status report, indicating that there is nothing substantive to report to the Court, is required. In that way, the Court can monitor stayed cases and insure that those cases do not become stale.

Also, in accessing the state court's electronic database, it appears that Petitioner's state habeas in case no. S228231 was denied by the California Supreme Court on November 10, 2015, yet Petitioner has not notified the Court of that fact nor requested leave to file an amended petition containing the newly exhausted claims. Petitioner's failure to do so could be construed as a lack of diligence in pursuing habeas relief that would subject him to sanctions. Petitioner is advised to notify the Court immediately of the status of his case and how he wishes to proceed.

ORDER

For the foregoing reasons, the Court HEREBY ORDERS:

1. **Within 30 days**, the Court **ORDERS** Petitioner to show cause in writing why the stay should not be lifted due to Petitioner's failure to comply with the Court's order to regularly file status reports.

Petitioner is forewarned that his failure to comply with this order may result in an order lifting the stay pursuant to Local Rule 110.

IT IS SO ORDERED.

Dated: February 3, 2016 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE