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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS CALDERON,
Petitioner,
v.
FREDERIC FOULKS,
Respondent.

Case No. 1:16-cv-00276-LJO-SAB-HC
ORDER DISCHARGING ORDER TO
SHOW CAUSE (ECF No. 19)
ORDER DIRECTING PETITIONER TO
FILE STATE HABEAS PETITION

On August 16, 2016, the Court stayed the instant proceedings and ordered Petitioner to file a status report within thirty days. (ECF No. 18). Petitioner failed to file a status report within the allotted time period. Therefore, on September 29, 2016, the Court issued an order to show cause why the stay should not be vacated for failing to obey a court order. (ECF No. 19).

On October 6, 2016, Petitioner filed a response, indicating that Petitioner’s counsel was diagnosed with a serious medical condition last year and has undergone numerous procedures. (ECF No. 20). Petitioner also informed the court that the state habeas petition “is in final draft and ready to be filed in state court,” but to date has not been filed in Tulare County Superior Court.

In light of Petitioner’s response, IT IS HEREBY ORDERED that:

1. The order to show cause issued on September 29, 2016 (ECF No. 19) is DISCHARGED;

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- 2. Petitioner is DIRECTED to file the state habeas petition in the Tulare County Superior Court within FOURTEEN (14) days of the date of service of this order; and
- 3. Petitioner is DIRECTED to file a status report within NINETY (90) days of the date of service of this order, and then every NINETY (90) days thereafter, in accordance with the Court's previous order (ECF No. 18).

IT IS SO ORDERED.

Dated: October 11, 2016



UNITED STATES MAGISTRATE JUDGE