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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. 23)  
ORDER VACATING MAY 10, 2017  
FINDINGS AND RECOMMENDATION  
(ECF No. 24)

Petitioner is a state prisoner, represented by counsel, proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On August 16, 2016, the Court stayed the federal habeas proceedings pending exhaustion of state remedies and ordered Petitioner to file an initial status report within thirty days of the date of service of the order and every ninety days thereafter. (ECF No. 18). As Petitioner did not file a status report within the required time period, the Court issued an order to show cause why the stay should not be vacated on April 26, 2017. (ECF No. 23). Petitioner did not respond to the order to show cause, and the undersigned issued findings and recommendation to vacate the stay on May 10, 2017. (ECF No. 24).

On May 15, 2017, Petitioner filed objections to the findings and recommendation, explaining that counsel could not file a response to the order to show cause due to problems with the electronic filing system. Petitioner also provided a status report on the state court proceedings. (ECF No. 25).

1 Accordingly, the Court HEREBY ORDERS that:

- 2 1. The order to show cause issued on April 26, 2017 (ECF No. 23) is DISCHARGED;
- 3 2. The findings and recommendation issued on May 10, 2017 (ECF No. 24) is VACATED;
- 4 and
- 5 3. Petitioner is DIRECTED to file a status report within NINETY (90) days of the date of
- 6 service of this order, and then every NINETY (90) days thereafter, in accordance with the
- 7 Court's previous order (ECF No. 18).

8 IT IS SO ORDERED.

9 Dated: May 17, 2017

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UNITED STATES MAGISTRATE JUDGE