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 TO SHOW CAUSE WHY STAY SHOULD NOT BE VACATED SEVEN-DAY DEADLINE

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 26, 2016, the Court stayed the instant 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).

On May 15, 2017, Petitioner's counsel informed the Court that he submitted a petition for review "via the 'trufiling' email system of the California Supreme Court on or about March 20, 2017." (ECF No. 25 at 2). On December 15, 2017, Petitioner filed his most recent status report, indicating that "Petitioner has not received any notifications from the California Supreme Court nor have any searches by [counsel] revealed any action on this matter between September 19, 2017" and December 15, 2017. (ECF No. 32).

Over ninety days have passed, and Petitioner has not filed a subsequent status report. Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules or

with any order of the Court may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." The Court previously notified Petitioner that not complying with the Court's order would result in the Court vacating the stay. (ECF No. 18 at 2). The Court also previously notified Petitioner's counsel that "future failures to respond to orders of this Court will result in the issuance of monetary sanctions." (ECF No. 31 at 2).

Accordingly, it is HEREBY ORDERED that within SEVEN (7) days of the date of service of this order, Petitioner shall:

1. Show cause why the stay should not be vacated; and
2. Submit a copy of the docket sheet of Petitioner's currently pending California Supreme Court action.

IT IS SO ORDERED.

Dated: **March 28, 2018**

UNITED STATES MAGISTRATE JUDGE