

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

IGNACIO GONZALEZ,  
  
                                Petitioner,  
  
          v.  
  
DAVID DAVEY, Warden,  
  
                                Respondent.

Case No. 1:16-cv-01871-SKO HC  
  
ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED  
FOR FAILURE TO COMPLY WITH  
A COURT ORDER  
  
(Doc. 3)  
  
RESPONSE DUE IN FIFTEEN DAYS

Petitioner Ignacio Gonzales is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 27, 2017, this Court granted Petitioner’s motion for stay and abeyance. The order directed Petitioner to file an initial status report within thirty (30) days and to file status reports every ninety (90) days thereafter. Although more than ninety days have elapsed since the filing of the initial status report, Petitioner has failed to file a current status report.

The Court has discretion to impose any and all sanctions authorized by statute or rule or within the inherent power of the Court, including dismissing the action, based on a petitioner’s failure to comply with a court order. F.R.Civ.P. 11; Local R. 110.

Accordingly, the Court hereby orders that:

1. Within **fifteen (15) days** from the date of service of this order, Petitioner shall file a written response to the Court, showing cause why the case should not be dismissed for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Petitioner’s failure to obey the Court’s order filed January 27, 2017. Submission of the required status report shall be deemed compliance with this requirement.

2. The Clerk of Court shall mail a copy of this order to Petitioner’s address, along with a copy of the Court’s January 27, 2017, order (Doc. 3).

3. Petitioner’s failure to comply with this order to show cause will result in the dismissal of the above-captioned action without further notice.

IT IS SO ORDERED.

Dated: June 12, 2017

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE