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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIA ANTONIA FRANCO,
Petitioner,
v.
JANEL ESPINOZA, Warden,
Respondent.

No. 1:18-cv-00057-SKO (HC)

**ORDER TO SHOW CAUSE WHY
PETITION SHOULD NOT BE DISMISSED
FOR FAILURE TO COMPLY WITH A
COURT ORDER**

Petitioner, Maria Antonia Franco, is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 25, 2018, the Court stayed proceedings pursuant to *Rhines v. Weber*, 544 U.S. 269, 275 (1995), to permit Petitioner to exhaust certain claims in state court. (Doc. 16.) The order directed Petitioner to file, within 30 days of the California Supreme Court's issuing a final order resolving her claims, a motion to lift the stay and an amended petition setting forth all exhausted claims.

On October 9, 2018, Petitioner notified the Court that on September 19, 2018, the California Supreme Court denied review of her petition. Although more than thirty days have passed since the California Supreme Court issued a final order, Petitioner has not filed a motion to lift the stay and an amended petition.

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

4 Accordingly, the Court hereby orders that:

5 1. Within **fifteen (15) days** from the date of service of this order, Petitioner
6 shall file a written response to the Court, showing cause why the petition should not be
7 dismissed for Petitioner's failure to obey the Court's order filed January 25, 2018.
8 Submission of the amended petition for writ of habeas corpus within the fifteen-day-period
9 shall be deemed compliance with this requirement.

10 2. The Clerk of Court shall mail a copy of this order to Petitioner's address,
11 along with a copy of the Court's January 25, 2018, order (Doc. 6).

12 3. Petitioner's failure to comply with this order to show cause will result in the
13 undersigned's recommending that the Court dismiss this action.

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17 IT IS SO ORDERED.

18 Dated: October 23, 2018

19 /s/ Sheila K. Oberto
20 UNITED STATES MAGISTRATE JUDGE