

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO MENDOZA,

No. 2:98-cv-1857 MCE GGH P

Petitioner,

**ORDER TO SHOW CAUSE**

V.

JEFFREY BEARD,

## Respondent.

On March 29, 1999, Ms. Gail R. Weinheimer was appointed by this court to represent petitioner in this matter. ECF No. 9. On December 10, 1999, petitioner requested the court stay this proceeding so that he could exhaust newly-identified claims in state court. ECF No. 21. On May 8, 2000, the court granted petitioner's request. ECF No. 29. Ms. Weinheimer never filed a state exhaustion petition and did not advise petitioner of her failure to file the petition.

Declaration of Gail R. Weinheimer, ECF No. 34, ¶ 5. This case remained stayed from May 8, 2000 to November 21, 2014. ECF Nos. 29, 42. On October 16, 2014, Ms. Weinheimer requested the court appoint new counsel for petitioner, which the court granted. ECF Nos. 34, 36.

Local Rule 180(e) provides the standards of professional conduct for those practicing in the United States District Court for Eastern District of California.

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Every member of the Bar of this Court, and any attorney permitted to practice in this Court, . . . shall become familiar with and comply with the standards of professional conduct required of members of the State Bar of California and contained in the State Bar Act, the Rules of Professional Conduct of the State Bar of California, and court decisions applicable thereto, which are hereby adopted as standards of professional conduct in this Court.

Pursuant to Local Rule 184, the court may, after reasonable notice and opportunity to show cause to the contrary, take any appropriate disciplinary action against any attorney who engages in conduct that may warrant discipline.

Accordingly, IT IS ORDERED that:

1. Within **fourteen** days of this order, Ms. Gail R. Weinheimer shall show cause in writing why she should not be disbarred from practice in the United States District Court for the Eastern District of California for abandonment of a client; and

2. The Clerk of the Court shall serve this order on Ms. Weinheimer at P.O. Box 1078, Woodacre, CA 94973 and at [weinheimer@earthlink.net](mailto:weinheimer@earthlink.net).

Dated: April 13, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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