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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD VINCENT ROOD,  
Petitioner,  
v.  
GARY SWARTHOUT,  
Respondent.

No. 2:12-cv-01476 AC P

ORDER TO SHOW CAUSE

Petitioner is a state prisoner proceeding pro se and in forma pauperis on his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The parties have consented to the jurisdiction of the undersigned. ECF Nos. 7, 13.

On June 13, 2013 this court granted petitioner’s motion for a stay of the instant habeas proceedings in order to exhaust two additional claims for relief in state court. ECF No. 29. Petitioner was ordered to file a request to lift the stay within thirty days of a decision by the California Supreme Court concluding state habeas review. To date, petitioner has not filed any request to lift the stay and a review of the California Supreme Court’s online case information system indicates that petitioner has not filed any state habeas corpus petition challenging his 2010 conviction from the Shasta County Superior Court. See <http://appellatecases.courtinfo.ca.gov/> (searchable by petitioner’s name).

Based on petitioner’s lack of action in prosecuting this case, the court will require petitioner to show cause within twenty-one days from the date of this order why the stay of the

1 instant case should not be lifted in order to proceed with the only exhausted claim raised in  
2 petitioner's 28 U.S.C. § 2254 petition challenging the trial court's failure to dismiss at least one  
3 prior strike. See ECF No. 1 at 6.

4 Accordingly, IT IS HEREBY ORDERED that petitioner shall show cause in writing  
5 within thirty days from the date of this order why the court should not lift the stay of these  
6 proceedings and permit the case to proceed on the only exhausted claim raised in petitioner's  
7 habeas corpus application.

8 DATED: June 6, 2014

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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