1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 RICHARD VINCENT ROOD, No. 2:12-cv-01476 AC P 11 Petitioner, 12 **ORDER** V. 13 GARY SWARTHOUT, 14 Respondent. 15 16 Petitioner, a state prisoner proceeding pro se and in forma pauperis, filed this petition for a 17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The parties have consented to the 18 jurisdiction of the undersigned. ECF Nos. 7, 13. Currently pending before the court is 19 petitioner's responses to this court's order to show cause issued on June 9, 2014. ECF Nos. 31, 20 32. 21 I. **Background** 22 On June 13, 2013 this court granted petitioner's motion for a stay of the instant habeas 23 proceedings in order to exhaust two additional claims for relief in state court. ECF No. 29. In the 24 year since this case has been stayed, petitioner has filed a single state habeas corpus petition in 25 the Shasta County Superior Court which was not even filed until May 12, 2014. See ECF No. 31. 26 This state habeas petition was denied on June 13, 2014. Id. Therefore, a review of petitioner's 27 responses to this court's show cause order indicate that his claims have still not been properly exhausted in state court. 28 1

Petitioner provides a number of explanations for his delay in exhausting his claims in state court. See ECF Nos. 31, 32. These include his transfer to two different prisons as well as his minimal access to the prison law library. Petitioner also complains about a delay in receiving this court's order to show cause since it was not sent to his current address at Pelican Bay State Prison. However, a review of this court's docket indicates that petitioner has not filed any change of address during the entire pendency of these federal habeas proceedings. Pursuant to Local Rule 183(b), a "party appearing in propria persona shall keep the Court and opposing parties advised as to his or her current address." Petitioner's failure to comply with this Local Rule explains any delay in service of this court's orders.

## II. Analysis

Having considered petitioner's responses to the order to show cause, the court will not lift the stay at this time. However, the court will require petitioner to file a status report EVERY 90 DAYS indicating what efforts he has taken to properly exhaust his claims in the California Supreme Court. Petitioner is further directed to file a copy of any state habeas petition or any state court order pertaining to a state habeas corpus petition along with this status report. If petitioner fails to comply with this order, the court will once again sua sponte consider lifting the stay in this action and proceeding on only the one properly exhausted claim before the court.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The June 9, 2014 order to show cause (ECF No. 30) is hereby discharged;
- 2. Petitioner is ordered to file a status report within 90 days of the date of this order, and every 90 days thereafter until he has exhausted his claims in the California Supreme Court, supported by copies of any habeas petition(s) or related state court order(s) filed during the previous 90 days; and,
- 3. Petitioner is further directed to notify this court of any changes of address pursuant to Local Rule 183(b).

DATED: July 2, 2014

ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE

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