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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	STEVEN LEE MORTENSEN,	No. 2:16-cv-2187 MCE AC P
12	Petitioner,	
13	v.	<u>ORDER</u>
14	BUTTE COUNTY SUPERIOR COURT,	
15	et al.,	
16	Respondents.	
17	Petitioner, formerly a prisoner incarcerated in Butte County Jail ¹ proceeding pro se and in	
18	forma pauperis, seeks habeas relief pursuant to 28 U.S.C. § 2254.	
19	On September 13, 2017, respondent Seibel filed a motion to dismiss on the grounds that	
20	petitioner was still in the process of exhausting his appeals in state court. <u>See</u> ECF No. 13. To	
21	date, petitioner has not filed an opposition to this motion. At the time of respondent Seibel's	
22	filing, petitioner had a state habeas appeal pending in the California Court of Appeal. See ECF	
23	No. 13 at 1; see also ECF No. 13-1 at 2-4.	
24	////	
25	////	
26		
27	¹ Petitioner's change of address filed in February 2018 in Mortensen v. Honea, No. 2:16-cv-2142 TLN CKD P ("Honea") appears to indicate that he is no longer incarcerated. See Honea, ECF	
28	No. 28.	<u> </u>
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Petitioner will be ordered to file a response to respondent Seibel's pending motion to dismiss. The response must update this court regarding the status of petitioner's state habeas proceedings.

Accordingly, IT IS HEREBY ORDERED that within 10 days of the date of this order, petitioner shall file a response to respondent Seibel's motion to dismiss, which includes information regarding the status of petitioner's state habeas proceedings.

Petitioner is warned that failure to comply with this order may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED: September 4, 2018

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE