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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LAWRENCE CHERVENY,
Petitioner,
v.
ERIC ARNOLD, Warden,
Respondent.

No. 2:17-cv-2528-MCE-GGH

ORDER TO SHOW CAUSE

PROCEDURAL HISTORY

Petitioner filed a petition for writ of habeas corpus acting pro se on December 1, 2017. ECF No. 1. On January 1, 2018 petitioner paid the filing fee required by the court which action the Clerk of the Court placed on the docket on January 2, 2018. On January 5, 2018 petitioner filed a Motion for Stay and Abeyance to permit him time to exhaust his remedies by petitioning the California Supreme Court. ECF No. 5. That motion was granted on January 23, 2018 and petitioner was ordered to explain within 30 days of the filing of the Order why a statement in his petition that he had filed a petition in the Supreme Court that was resolved on December 23, 2013 did not constitute exhaustion. ECF No. 6. Petitioner responded on February 15, 2018 explaining that the petition at issue referred to a different conviction and sentencing than the one raised in the present petition, ECF No. 7, after which this court issued Findings and Recommendations dated March 1, 2018 recommending that the request for stay and abeyance be granted by the district

1 court. ECF No. 8. The district court issued an Order adopting the recommendation and granting
2 the motion for stay an abeyance on April 20, 2018 in which the court further ordered petitioner to
3 file his writ with the California Supreme Court within 45 days of the issuance of the Order and
4 stayed the case. ECF No. 9.

5 *DISCUSSION*

6 Petitioner has made no showing to the court that he has obeyed the Order found at ECF
7 No. 9. Petitioner is therefore directed to file proof that he has filed such a petition or to show
8 cause why he has not done so within 14 days of the date of this Order.

9 Petitioner is warned that the failure to timely respond to this Order will result in a
10 recommendation by this court that the petition be dismissed by the District Court.

11 SO ORDERED.

12 Dated: June 12, 2018

13 /s/ Gregory G. Hollows
14 UNITED STATES MAGISTRATE JUDGE
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