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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN W. DUNIGAN,  
Petitioner,  
v.  
L. LUNDY,  
Respondent.

Case No. 2:23-cv-02699-JDP (HC)  
**ORDER TO SHOW CAUSE**  
RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On April 11, 2024, I screened petitioner’s first amended petition for a writ of habeas corpus and notified him that it failed to state a viable claim. ECF No. 23. I granted him thirty days to file an amended petition. *Id.* To date, petitioner has not done so.

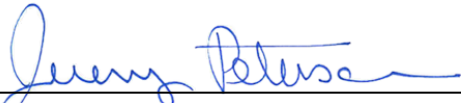
To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case based on petitioner’s failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See* *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

Petitioner will be given an opportunity to explain why the court should not dismiss his

1 case for failure to file an amended petition. Petitioner's failure to respond to this order will  
2 constitute a failure to comply with a court order and will result in dismissal of this case.  
3 Accordingly, petitioner must show cause within twenty-one days of the date of entry of this order  
4 why the court should not dismiss his case for failure to prosecute and for failure to comply with a  
5 court order. Should petitioner wish to continue with this lawsuit, he shall also file, within twenty-  
6 one days, an amended petition for writ of habeas corpus.

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8 IT IS SO ORDERED.

9 Dated: June 4, 2024

  
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10 JEREMY D. PETERSON  
11 UNITED STATES MAGISTRATE JUDGE

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