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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK E. NOEL,

No. C-08-3777 EMC (PR)

Petitioner,

v.

**ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED**

GREG LEWIS, Warden,

Respondent.

On or before March 14, 2016, Petitioner is ordered to show cause why this action should not be dismissed. Respondent may, but is not required to, file a response to Petitioner's filing. Respondent's filing, if any, shall be filed within thirty (30) days after Petitioner has filed his response to this order. Petitioner may also by March 14, 2016 file a stipulation of dismissal signed by all parties under Federal Rule of Civil Procedure 41(a).

This Court granted Petitioner conditional habeas relief on one of his state convictions (Cal. Penal Code section 186.22(a)) and remanded the matter to the court of conviction (the Mendocino County Superior Court) for resentencing. The Court is in receipt of a status report from Respondent showing that Petitioner was resentenced in accordance with this Court's order. Because habeas relief has been implemented, all that remains is to dismiss the action and enter judgment. Petitioner

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is ordered to show cause why this should not happen, or, if he chooses, to file a statement of non-opposition to dismissal, or a stipulated dismissal or other appropriate motion.

If Petitioner fails to respond to this order by March 14, 2016, the action will be dismissed.

IT IS SO ORDERED.

Dated: February 5, 2016


EDWARD M. CHEN
United States District Judge