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*\*E-FILED - 11/10/09\**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VAUGHN WALTON,	)	No. C 03-3559 RMW (PR)
	)	
Petitioner,	)	ORDER DIRECTING
	)	PETITIONER TO SHOW CAUSE
vs.	)	
	)	
D.L. RUNNELS, Warden,	)	
	)	
Respondent.	)	

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On July 30, 2003, petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court initially dismissed the petition with leave to amend because two of petitioner’s claims failed to specify a cognizable claim for federal habeas relief. After filing several amended petitions, on April 30, 2007, petitioner filed a third amended petition as well as a request to stay the petition in order to exhaust unexhausted claims. On June 22, 2007, the court granted petitioner’s stay and administratively closed the file.

In the June 22, 2007 order, the court stayed the action until thirty days after the California Supreme Court’s final decision on petitioner’s claims. Petitioner was cautioned that if he wished to have this court consider his unexhausted claims, he must properly and promptly present those claims to the California Supreme Court within thirty days from the date of the order. The court further instructed that if the California Supreme Court denied petitioner’s claims, petitioner must

1 promptly notify this court within thirty days of that decision.

2 The court received no more communication from petitioner until, more than two years  
3 later on September 28, 2009, petitioner filed a letter to the court inquiring into the status of his  
4 case and whether he defaulted. (Docket No. 32.) The California courts' case information  
5 website revealed that petitioner filed one original habeas petition in the California Supreme  
6 Court on July 25, 2007. The California Supreme Court denied his petition on January 23, 2008.  
7 It appears that petitioner failed to comply with this court's order requiring him to inform the  
8 court within thirty days of the California Supreme Court's denial.

9 Accordingly, within **thirty days** from the filing date of this order, petitioner shall show  
10 cause why this case should not be administratively re-opened and dismissed for failure to comply  
11 with court orders. **Failure to respond in accordance with this order may result in the**  
12 **dismissal of this action in accordance with Federal Rule of Civil Procedure 41(b).**

13 IT IS SO ORDERED.

14 DATED: 11/6/09

  
RONALD M. WHYTE  
United States District Judge