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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KEITH STAMPS,
Petitioner,

v.

RANDY GROUNDS,
Respondent.

Case No. [12-cv-05753-BLF](#)

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE; NOTICE
OF IMMINENT DISMISSAL**

To Petitioner Keith Stamps, you are hereby ORDERED to SHOW CAUSE why this case should not be dismissed for failure to prosecute and for failure to comply with numerous court orders.

State prisoner Keith Stamps, through counsel, filed this petition for a writ of habeas corpus on November 8, 2012. ECF 1. On March 12, 2013, Judge Alsup granted Petitioner’s Motion to File an Amended Petition and to Stay and Abate Petition pending exhaustion in state court and ordered Petitioner to provide an update on the state proceedings by no later than October 2, 2013. ECF 10. On October 15, 2013, Petitioner filed a status report, “apologiz[ing] for the tardiness” of the update and informing the court that the case remained pending before the California Supreme Court. ECF 11.

The same day, Judge Alsup ordered Petitioner to further update the court by January 19, 2014. ECF 12. Petitioner failed to update the court by that deadline. On January 27, 2014, Judge Alsup issued a second order to file a status report, this time by January 30, 2014, and alerted Petitioner that failure to respond could result in dismissal. ECF 13. On January 31, 2014, Petitioner filed an update informing the court that the state case remained pending and again “apologize[d] . . . for overlooking [the c]ourt’s October 15, 2013 order.” ECF 14.

1 On February 3, 2014, Judge Alsup ordered Petitioner to provide further updates by April 3,
2 2014. ECF 15. Petitioner complied with the deadline, informing the court that the state matter
3 remained pending. ECF 16. The same day, Judge Alsup ordered Petitioner to provide further
4 updates by July 17, 2014. ECF 17. Petitioner failed to do so.

5 The case was reassigned to Judge Chhabria on April 17, 2014 and the parties were ordered
6 to submit a joint case management statement. The parties failed to do so. The court ordered the
7 parties to submit a statement by May 14, 2014. The parties again failed to do so.

8 On August 28, 2014, a Clerk's notice directed Petitioner to file a status update by October
9 14, 2014. ECF 19. Petitioner failed to do so.

10 On October 21, 2014, the case was reassigned to this Court. On June 2, 2015, this Court
11 ordered Petitioner to update the Court as to the status of the state court proceedings by June 19,
12 2015 and notified Petitioner that failure to do so could result in dismissal of his petition. ECF 22.
13 Petitioner failed to meet this deadline.

14 Since providing the status update on April 3, 2014—nearly 21 months ago—Petitioner has
15 failed to take any action in this case, notwithstanding five orders by the court to do so. The Court
16 notes that its polite requests have not been effective in gaining the attention of counsel.

17 Failure to comply with these court orders or to prosecute this case both constitute grounds
18 for dismissal of this action with prejudice under Federal Rule of Civil Procedure 41(b).
19 Accordingly, the Court ORDERS Petitioner to show cause on or before January 21, 2016 why this
20 action should not be dismissed with prejudice for failure to comply with court orders and for
21 failure to prosecute. If Petitioner does not respond, the Court will dismiss the action with prejudice
22 pursuant to Federal Rule of Civil Procedure 41(b) without further notice.

23 **IT IS SO ORDERED.**

24
25 Dated: December 29, 2015

26 
27 BETH LABSON FREEMAN
28 United States District Judge