

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 16 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSE VAZQUEZ PRESTEGUI,

Petitioner-Appellant,

v.

RAYMOND MADDEN, Warden,

Respondent-Appellee.

No. 17-56788

D.C. No.

2:16-cv-08007-PA-MRW

Central District of California,
Los Angeles

ORDER

On November 29, 2017, this court ordered appellant, within 21 days, either to move for voluntary dismissal of this request for certificate of appealability or show cause why it should not be dismissed for lack of jurisdiction. The order warned appellant that failure to comply would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This case is now closed.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Karen M. Burton
Deputy Clerk
Ninth Circuit Rule 27-7

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10

11 **JOSE VASQUEZ PRESTEGUI,**
12
13 Petitioner,

Case No. CV 16-8007-PA (MRW)

~~PROPOSED~~ ORDER

14 v.

15 **RAYMOND MADDEN, WARDEN,**
16 Respondent.
17

18 Good cause appearing, IT IS HEREBY ORDERED that Respondent is granted
19 to and including January 26, 2017, in which to file and serve a Motion to Dismiss
20 or an Answer to the Petition for Writ of Habeas Corpus. IT IS FURTHER
21 ORDERED that the Court's Order of October 28, 2016, shall otherwise remain in
22 effect.
23

24 Dated: December 21, 2016

/s/ Michael R. Wilner

25 The Honorable Michael R. Wilner
26 United States Magistrate Judge
27
28

LA2016503472
62225055.doc