UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JOSE REYNOSO,

Petitioner,

v.

JOSEPH A. BRUSIC and STATE OF WASHINGTON,

Respondents.

No. 1:24-CV-03066-MKD

ORDER DISMISSING ACTION WITHOUT PREJUDICE

By Order filed June 13, 2024, the Court instructed Petitioner Jose Reynoso, a *pro se* prisoner awaiting sentencing and currently housed at the Yakima County Jail, to show cause why his federal habeas corpus petition should not be dismissed. ECF No. 4. By that same Order the Court granted Petitioner leave to proceed *in forma pauperis*. *Id.* Respondents have not been served.

In his petition, Mr. Reynoso did not name his current custodian as Respondent, thus depriving this Court of personal jurisdiction. *See Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994). He also failed to present any grounds

for federal habeas corpus relief as required by the federal Habeas Rules. *See* Rule 2(c), 28 U.S.C. foll. § 2254 ("Habeas Rules"); *James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) ("Conclusory allegations which are not supported by a statement of specific facts do not warrant habeas relief."). In addition, it appears that abstention under *Younger v. Harris*, 401 U.S. 37 (1971), is appropriate in this action. *See id.* at 45 ("[T]he normal thing to do when federal courts are asked to enjoin pending [state criminal] proceedings in state courts is not to issue such injunctions.").

Petitioner did not comply with the Order to Show Cause, ECF No. 4, and he has filed nothing further in this action. The Court cautioned Petitioner that his failure to show cause would be construed as his consent to the dismissal of this action. It appears that he has abandoned this litigation. Therefore, the Court will dismiss this habeas action without prejudice. *See Beltran v. California*, 871 F.2d 777, 782 (9th Cir. 1988).

Accordingly, **IT IS ORDERED:**

1. This action is **DISMISSED WITHOUT PREJUDICE**.

2. The Court certifies that any appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore **DENIED**.

IT IS SO ORDERED. The Clerk's Office shall file this Order, **ENTER JUDGMENT**, provide copies to Petitioner, and **CLOSE** this file.

DATED July 22, 2024.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE