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

BOARD OF TRUSTEES OF THE KERN
COUNTY ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

v.

CHRISTOPHER BURGONI, et al.,

Defendants.

Case No.: 1:08-cv-00498 LJO JLT
ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

Plaintiff has sued an individual, Christopher Burgoni, and two corporations; Tadoc Enterprises and Fulce Enterprises. (Doc. 36). On December 21, 2011, the Court struck defendants’ answer and directed the Court Clerk to enter default against defendants based upon their failure to comply with the Court’s orders. (Doc. 60). The Clerk’s Entry of Default was issued the same day in accordance with the District Judge’s order. (Doc. 61). Over 90 days have passed since the entry of default and Plaintiffs have failed to take any action to obtain a **default judgment** against defendants.

“District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions including dismissal of an action. Thompson v. Housing

1 Authority of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with
2 prejudice, based on a party's failure to prosecute an action or failure to obey a court order, or
3 failure to comply with local rules. *See, e.g.* Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir.
4 1992) (dismissal for failure to comply with an order requiring amendment of complaint); Malone
5 v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a
6 court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
7 prosecute and to comply with local rules).

8
9 Accordingly, Plaintiff is ORDERED to show cause within 14 days of the date of service
10 of this Order why the action should not be dismissed for their failure to prosecute the matter.

11 Alternatively, if Plaintiff intends to pursue default judgment against Defendants, Plaintiff
12 is ordered to file an application for default judgment with this Court within fourteen days of the
13 date of service of this Order.
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17 IT IS SO ORDERED.

18 Dated: April 16, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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