

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAPHAEL MUNOZ, et al.,)	Case No.: 1:09-cv-00703- AWI-JLT
Plaintiffs,)	
v.)	ORDER TO PLAINTIFFS TO SHOW CAUSE
)	WHY SANCTIONS SHOULD NOT BE
GUIMARRA VINEYARDS CORPORATION,)	IMPOSED FOR PLAINTIFFS' FAILURE TO
Defendant.)	PROSECUTE AND FAILURE TO COMPLY
)	WITH THE COURT'S ORDER
)	

On June 3, 2013, the Court ordered Plaintiffs to file a proposed class notice within twenty-one days for the Court’s approval. (Doc. 121 at 16). Plaintiffs filed a petition for permission to appeal, which was denied by the Ninth Circuit on September 11, 2013. (Doc. 123). Therefore, the Court ordered Plaintiffs to “file a proposed class notice for the Court’s approval no later **than October 4, 2013**. (Doc. 124 at 1) (emphasis in original). However, Plaintiffs failed to file the proposed class notice, and without this, the case cannot progress.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “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 Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute

1 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
2 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
3 requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
4 (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th
5 Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

6 Accordingly, Plaintiffs are **ORDERED** to show cause within 14 days of the date of service of
7 this Order why the action should not be dismissed for failure to prosecute and failure comply with the
8 Court's order, or in the alternative, to file the proposed class notice.

9
10 IT IS SO ORDERED.

11 Dated: October 7, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE