2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 KINGSBURG APPLE PACKERS, INC. dba) Case No.: 1:09-cv-00901 - AWI - JLT KINGSBURG ORCHARDS, et al., 12 ORDER TO INTERVENOR PLAINTIFF Plaintiffs, DIBUDUO LAND MANAGEMENT TO SHOW 13 CAUSE WHY THE INTERVENOR COMPLAINT 14 v. SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE 15 BALLANTINE PRODUCE CO., INC., a California corporation, et al., 16 Defendants. 17 18 DIBUDUO LAND MANAGEMENT, 19 Intervenor Plaintiff, 20 v. 21 BALLANTINE PRODUCE CO., INC., et al., 22 Defendants. 23 24 On March 19, 2013, the Court determined the Notice of Dismissal filed by Intervenor Plaintiff DiBuduo Land Management ("DLM") was improperly filed, and determined the Court's prior order 25

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The Ninth Circuit explained, "District courts have inherent power to control their dockets," and in exercising that power, a court may dismissal an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). Consequently, a court may dismiss an action based on a party's failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See, e.g., Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal, in part, for failure to prosecute).

Accordingly, DiBuduo Land Management is **ORDERED** to show cause no later than **September 9, 2013** why the intervening action should not be dismissed for failure prosecute its claims or, in the alternative, to file and serve a motion for voluntary dismissal pursuant to Rule 41(a)(2).

IT IS SO ORDERED.

Dated: August 29, 2013 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE