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

JUAN LOPEZ,

Plaintiff,

Plaintiff,

V.

EQUIFIRST CORPORATION, et al.,

Defendants.

NO. 1:09-CV-1290-AWI-GSA

ORDER TO SHOW CAUSE AS TO
PLAINTIFF'S COUNSEL JOHN
SETLICH

Defendants.

On October 2, 2009, this court issued an order that required Plaintiff's counsel, Robert Setlich ("Setlich") to show cause why he had not complied with the Clerk's notice regarding admission to the Eastern District. See Doc. No. 19. On October 5, 2009, Setlich was ordered nunc pro tunc to show cause in writing by October 13, 2009. See Doc. No. 20. Setlich failed to respond to the court's October 2, 2009 and October 5, 2009 orders. On October 15, 2009, the court ordered that any future filings submitted by Setlich would be stricken for failure to comply with court orders.

Ocwen and Equifirst have filed motions to dismiss. Plaintiff did not file an opposition nor a notice of non-opposition. On September 30, 2009, the court granted Ocwen's motion to dismiss and dismissed the action against Ocwen in its entirety with prejudice.

On October 7, 2009, Defendant Equifirst filed a case management statement and informed the court that at the parties' meet and confer conference, Plaintiff's counsel advised

Equifirst that Plaintiff intended to dismiss the case.

Accordingly, Setlich is ordered to show cause in writing why this case should not be dismissed for Plaintiff's failure to prosecute as to the remaining defendants, Equifirst Corporation ("Equifirst") and Bradley Gilton ("Gilton"). The court will accept a response from Plaintiff's counsel to this order. Alternatively, Plaintiff may file a Rule 41(a)(1) notice of voluntary dismissal. Plaintiff's counsel is reminded, however, that pursuant to the court's October 15, 2009 order, any other future filings will be stricken.

Plaintiff's counsel is forewarned that pursuant to Local Rule 11-110, "a failure of counsel or a party to comply with these Local Rules or 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." District courts have the inherent power to control their dockets and "in the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal of a case."

## **ORDER**

For the reasons discussed above, IT IS HEREBY ORDERED that:

- 1. Setlich is ordered to show cause in writing, on or by November 17, 2009, as to why this case should not be dismissed as to Equifirst and Gilton; and
- Setlich is allowed to file a response to this order or a notice of voluntary dismissal. As indicated in the court's prior order, any other future filings will be stricken.

IT IS SO ORDERED.

Dated: November 5, 2009 /s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE