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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

GERARDO FERNANDEZ and ANNA
FERNANDEZ,

CASE NO. 1:09-cv-01404 AWI SKO

Plaintiffs,

ORDER TO SHOW CAUSE

v.

WASHINGTON MUTUAL BANK, FA and
QUALITY LOAN SERVICE
CORPORATION,

Defendants.

_____ /

Plaintiffs filed this action on August 11, 2009. An initial scheduling conference was set for November 12, 2009. On November 9, 2009, the parties requested that, due to settlement negotiations, the initial scheduling conference be taken off calendar. The parties were directed by minute order that, if settlement did not take place, they should inform the court to reset the scheduling conference. After six (6) months of inaction by the parties, the Court ordered that a status report be filed by Plaintiffs no later than April 30, 2010. Plaintiffs failed to file a status report.

The Court has the inherent power “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). To that end, “[d]istrict courts retain broad discretion to control their dockets and ‘[i]n the exercise of that power they may impose sanctions including, where appropriate, default or

1 dismissal.” *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007) (second
2 alteration in original); *see also Hernandez v. City of El Monte*, 138 F.3d 393, 398 (9th Cir. 1998);
3 *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).

4 In the courts, there is room for only so much lenity. The district court must
5 consider the equities not only to plaintiff and his counsel, but also to the opposing
6 parties and counsel, as well as to the public, including those persons affected by the
7 court’s increasingly crowded docket. Counsel must take responsibility for the
8 obligations to which he committed and get the work done by the
9 deadline. . . . Deadlines are not meant to be aspirational; counsel must not treat the
10 goodwill of the court as a sign that, as long as counsel tries to act, he has *carte*
11 *blanche* permission to perform when he desires. A district court must be able to
12 exercise its managerial power to maintain control over its docket. This power is
13 necessary for the court to administer effective justice and prevent congestion.

14 *Young v. City of Palm Bay*, 358 F.3d 859, 864 (11th Cir. 2004) (citation omitted).

15 Accordingly, it is ORDERED that, **no later than July 7, 2010**, Plaintiffs shall file a status
16 report or show cause why the Court should not impose sanctions under Local Rule 110, including
17 dismissal, for failing to comply with an order of this Court.

18 IT IS SO ORDERED.

19 **Dated: June 29, 2010**

20 **/s/ Sheila K. Oberto**
21 **UNITED STATES MAGISTRATE JUDGE**