

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8
9 COALITION FOR A SUSTAINABLE DELTA
and KERN COUNTY WATER AGENCY,

10 Plaintiffs,

11 v.

12 UNITED STATES DEPARTMENT OF
13 TRANSPORTATION, RAY LAHOOD, in
his official capacity as
14 Secretary of Transportation, and
MARITIME ADMINISTRATION, JAMES E.
15 CAPONITI, in his official
capacity as Acting Deputy
16 Maritime Administrator,

17 Defendants.

1:09-cv-02023 LJO BAM

ORDER TO SHOW CAUSE RE
DISMISSAL FOR LACK OF
PROSECUTION

18 On November 17, 2009, a number of misjoined claims were severed
19 from Case Number 1:09-cv-00480 and assigned new case numbers. Doc.
20 100. The above-captioned case includes Claims 8-10 from the second
21 amended complaint ("SAC") against the Maritime Administration
22 ("MARAD"), alleging violations of the Endangered Species Act ("ESA")
23 relating to MARAD's alleged maintenance of National Defense Reserve
24 Fleet vessels at Suisun Bay and the preparation of a management plan
25 for disposal of non-retention vessels. SAC ¶¶ 155-76. Since
26 severance, all related cases have proceeded to judgment. In this
27 case, however, there has been absolutely no activity.
28

1 Plaintiffs are ordered to show cause in writing on or before
2 November 11, 2011 why this case should not be dismissed for lack of
3 prosecution.
4

5 SO ORDERED
6 Dated: October 17, 2011

7 /s/ Lawrence J. O'Neill
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28