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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 JOSEPHINE FLORES,

1:10-cv-00394-AWI-BAM

10 Plaintiff,

**ORDER EXTENDING TIME TO
EXECUTE A SUPPLEMENTAL
SETTLEMENT AGREEMENT
AND FILE VOLUNTARY
DISMISSAL**

11 v.

12 CITY OF TULARE et al.,

13
14 Defendants.

**(RE: RESPONSE TO O.S.C. RE:
DISMISSAL OF ACTION)**

15 _____/ (Docs. 63-64)
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18 On December 13, 2013, this Court issued an order to show cause why this case should
19 not be dismissed for the parties' failure to comply with this Court's order dated November 1,
20 2013, Plaintiff's failure to prosecute, and Plaintiff's failure to comply with Local Rules. On
21 December 19, 2013, Plaintiff filed her response to the Court's order to show cause. Plaintiff's
22 response explained that the settlement agreement entered into by the parties is conditioned on
23 Plaintiff's submission of proof that the confiscated guns, the subject of this action, were legally
24 owned by and registered to Plaintiff. Counsel for Plaintiff indicated that there have been multiple
25 attempts by his office to secure the necessary registration and ownership information from the
26 Department of Justice ("DOJ"). Counsel further indicated that it is his understanding that the
27 requests are still pending.
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1 In light of the uncertainty as to the date when the DOJ will respond to Plaintiff's request
2 the parties have come to a supplemental settlement agreement. Plaintiff indicated that the
3 supplemental agreement will provide that Plaintiff is to submit proof of ownership to Defendant
4 by April 1, 2014. The parties agreed that with the execution of this agreement there is no need to
5 maintain this action before the Court. Accordingly, Plaintiff, after the parties have executed
6 agreement, will file a notice of dismissal.

7 For the reasons discussed above, the Court shall grant the parties a final extension of time
8 to execute their supplemental settlement agreement and file a dismissal by January 6, 2014.
9 Failure to comply with this order will result in dismissal of the case.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Court's December 13, 2013 order to show cause is DISCHARGED; and
- 12 2. The parties will execute their supplemental settlement agreement and file a notice
13 of voluntary dismissal by January 6, 2014.
- 14 3. If for any reason the parties are unable to execute their supplemental agreement
15 they are to explain why this case should remain open and why the Court's orders
16 have been disregarded by January 6, 2014.

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18 IT IS SO ORDERED.

19 Dated: December 19, 2013


20 SENIOR DISTRICT JUDGE