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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 DISMISSING THE
ACTION FOR FAILURE TO
PROSECUTE, FAILURE TO
COMPLY WITH COURT
ORDERS, AND FAILURE TO FILE
DISPOSITIONAL DOCUMENTS**

11 v.

12 CITY OF TULARE et al.,

13 Defendants.
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15 _____/

16 On December 13, 2013, this Court issued an order to show cause why this case should
17 not be dismissed for the parties' failure to comply with this Court's order dated November 1,
18 2013, Plaintiff's failure to prosecute, and Plaintiff's failure to comply with Local Rules. On
19 December 19, 2013, Plaintiff filed her response to the Court's order to show cause. Plaintiff's
20 response explained that the settlement agreement entered into by the parties is conditioned on
21 Plaintiff's submission of proof that the confiscated guns, the subject of this action, were legally
22 owned by and registered to Plaintiff. Counsel for Plaintiff indicated that there have been multiple
23 attempts by his office to secure the necessary registration and ownership information from the
24 Department of Justice ("DOJ"). Counsel further indicated that it is his understanding that the
25 requests are still pending.

26 In light of the uncertainty as to the date when the DOJ will respond to Plaintiff's request
27 the parties came to a supplemental settlement agreement. Plaintiff indicated that the
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1 supplemental agreement will provide that Plaintiff is to submit proof of ownership to Defendant
2 by April 1, 2014. The parties agreed that with the execution of this agreement there is no need to
3 maintain this action before the Court. Accordingly, on December 19, 2013, Plaintiff's Counsel
4 agreed that he would file the settlement agreement and dispositional documents "within the next
5 few business days." Declaration of Plaintiff's Counsel in Response to Order to Show Cause,
6 Doc. 64 at ¶¶ 7, 8.

7 For the reasons discussed above, on December 19, 2014, this Court granted the parties a
8 final extension of time to execute the supplemental settlement agreement and file a dismissal by
9 January 6, 2014. This Court further specifically required that the parties were to explain why the
10 case should remain open if a voluntary dismissal was not filed. Plaintiff failed to file a voluntary
11 dismissal and failed to explain why the Court's order was disregarded.

12 In this Court's order granting extension to consummate the agreement the Court warned
13 that "failure to comply with this order [would] result in dismissal of the case." Doc. 65. As
14 articulated by this Court in its order to show cause, Plaintiff: (1) failed to prosecute this action as
15 required by Federal Rule of Civil Procedure 41(b), (2) failed to comply with this Court's order
16 dated November 1, 2013, and (3) failed to file dispositional documents as required under Local
17 Rule 160(b). Further, Plaintiff failed to comply with this Court's order dated December 19, 2013.

18 This Court articulated in its December 13, 2013, order to show cause the legal cause for
19 dismissal for failure to prosecute, failure to comply with a court order, and failure file
20 dispositional documents. Based on the reasoning articulated therein this Court shall dismiss this
21 action with prejudice.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. This case is DISMISSED with prejudice.
- 24 2. The Clerk of the Court is directed to close the case.

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26 IT IS SO ORDERED.

27 Dated: January 16, 2014


28 SENIOR DISTRICT JUDGE

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