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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MARIA GONZALEZ and
12 GONZALO GONZALEZ,

13 Plaintiffs,

14 v.

15 SUNTRUST MORTGAGE, INC., et al.,

16 Defendants.

) Case No.: 1:11-cv-01284 LJO JLT
)

) ORDER TO SHOW CAUSE WHY THE
) ACTION SHOULD NOT BE DISMISSED FOR
) FAILURE TO PROSECUTE AND FAILURE
) TO OBEY THE COURT’S ORDER
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17 Maria Gonzalez and Gonzalo Gonzalez (“Plaintiffs”) filed a complaint in Kern County
18 Superior Court on July 13, 2011, alleging illegal truth and lending practices by Defendants, who
19 removed the matter to this Court on August 1, 2011. (Doc. 1). On September 8, 2011, the Court
20 ordered Plaintiffs “to serve their Complaint on defendants Lennar Corporation and Lennar Homes of
21 California and to file proofs of effective service of process of plaintiff’s Complaint” no latter than
22 September 23, 2011. (Doc. 12 at 2). To date, Plaintiffs have failed to comply with the Court’s
23 Order.

24 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a
25 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of
26 any and all sanctions . . . within the inherent power of the Court.” LR 110. “District courts have
27 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
28 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831

1 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party's failure to prosecute
2 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
3 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
4 requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
5 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,
6 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

7 Accordingly, Plaintiffs are ORDERED to show cause within fourteen days of the date of
8 service of this Order why the action should not be dismissed for their failure to prosecute and to
9 follow the Court's Order.

10 IT IS SO ORDERED.

11 Dated: October 3, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE