

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 **RICHARD CLYMORE and DEBRA**
8 **HARBIN-CLYMORE,**

9 **Plaintiffs**

10 **v.**

11 **FEDERAL RAILROAD**
12 **ADMINISTRATION, CHARLES MARK**
13 **HAGOOD, and DOES 1 through 10,**
14 **inclusive,**

15 **Defendants**

CASE NO. 1:14-CV-101 AWI SMS

ORDER DISMISSING ACTION

16 On January 28, 2016, a notice of settlement was filed. See Doc. No. 64. On February 2,
17 2016, a minute order was issued that set a deadline of February 22, 2016 for the parties to file a
18 stipulation of dismissal. See Doc. No. 65. In relevant part, the minute order stated in relation to a
19 stipulation for dismissal, “If not received, the Court may dismiss the matter on its own authority.”
20 See id. This is consistent with Local Rules 110, 160(b), and 272. February 22, 2016 has passed,
21 and there have no further filings in this matter, including dispositional papers.

22 Federal Rule of Civil Procedure 41(b) permits a Court sua sponte to dismiss a case for a
23 failure to prosecute or comply with the rules of civil procedure or court orders. See Hells Canyon
24 Pres. Council v. United States Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005). In light of the
25 notice of settlement, the warning about dismissal in the minute order, and the failure of either
26 party to make any further filings in this matter, it is appropriate to dismiss this case under Rule
27 41(b) and Local Rules 110, 160, and 272. Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir.
28 2002); Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. This matter is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110, 160, and 272; and
2. The Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: February 25, 2016



SENIOR DISTRICT JUDGE