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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **DAVID L'ARGENT and BONINE**
9 **L'ARGENT,**

10 **Plaintiffs**

11 **v.**

12 **US AIRWAYS GROUP, INC.; US**
13 **AIRWAYS, INC., and DOES 1 to 100,**
14 **inclusive,**

15 **Defendants**

CASE NO. 1:14-CV-422 AWI GSA

**ORDER DISMISSING CASE WITH
PREJUDICE FOR FAILING TO FILE
DISMISSAL PAPERS**

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17 On September 30, 2014, Plaintiffs filed a notice of settlement. See Doc. No. 21. The
18 notice stated that settlement had been reached that day, but that the settlement had not yet been
19 consummated. See id. The next day, the Court issued a minute order (which was electronically
20 served on all parties) vacating all currently scheduled dates. See Doc. No. 22. The minute order
21 stated that pursuant to Local Rule 160(b), the parties were to file dispositional papers on or by
22 October 15, 2014. See id. The minute order expressly warned the parties that if dispositional
23 papers were not received, then the Court would dismiss the case on its own authority. See id. It is
24 passed October 15, 2014, and the parties have failed to file dispositional papers.

25 Under Federal Rule of Civil Procedure 41(b), a court on its own motion may involuntarily
26 dismiss a case based on a plaintiff's failure to prosecute, failure to obey the rules of civil
27 procedure, or failure to obey court orders. See Fed. R. Civ. P. 41(b); Hells Canyon Pres. Council
28 v. United States Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005). Considering the relevant factors,

1 including the congestion of the Court's docket, the express warning given to the parties, and the
2 now dormant state of the case, see Ormstead v. Dell, Inc., 594 F.3d 1081, 1084 (9th Cir. 2011)
3 (listing factors for the court to consider in conjunction with a Rule 41(b) dismissal), the Court
4 finds that dismissal of this case with prejudice is proper.

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6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. This case is DISMISSED with prejudice under Rule 41(b); and
8 2. The Clerk shall CLOSE this case.

9
10 IT IS SO ORDERED.

11 Dated: November 6, 2014



12 SENIOR DISTRICT JUDGE