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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GENAUTICA OIL HOLDINGS, LP,
Plaintiff-Appellant,
v.
TEMBLOR PETROLEUM COMPANY,
LLC, et al.,
Defendants-Appellees.

No. 1:22-cv-01507-KES

ORDER TO SHOW CAUSE WHY APPEAL
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH THE LOCAL RULES

Plaintiff-Appellant, Genautica Oil Holdings, LP (“appellant”), filed this bankruptcy appeal on November 18, 2022, appealing the United States Bankruptcy Court’s Amended Order on Motion to Sell Estate’s Interest in Property.¹ (Doc. 1.) Appellant’s opening brief was initially due by January 23, 2023. On January 23, 2023, the court granted appellant’s unopposed motion for additional time to file its opening brief. Docs. 4, 7. Appellant was granted additional extensions of time on April 24, 2023; July 24, 2023; September 8, 2023; November 6, 2023; December 20, 2023, February 20, 2024; and April 18, 2024. Docs. 11, 16, 20, 29, 38. On April 18, 2024, the court ordered appellant to file and serve its opening appeal brief no later than June 18, 2024, and noted that “[a]ny further motion for an extension of time to file the opening brief in this appeal will be disfavored and must be supported by specific and substantial good

¹ Under 28 U.S.C. § 158(c)(1), a party may elect to have an appeal heard by the United States District Court rather than the Bankruptcy Appellate Panel.

1 cause.” Doc. 38 at 2. The filing deadline has passed, and appellant has failed to file its opening
2 appeal brief. *See* docket.

3 A district court possesses the inherent power to control its docket, *United States v. W.R.*
4 *Grace*, 526 F.3d 499, 509 (9th Cir. 2008) (en banc), and may dismiss an action sua sponte for
5 failure to prosecute, *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). A party’s failure to
6 comply with applicable rules and law may also be grounds for dismissal or any other sanction
7 appropriate under the Local Rules. *See Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995)
8 (“Failure to follow a district court’s local rules is a proper ground for dismissal.”). Local
9 Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any
10 order of the Court may be grounds for imposition by the Court of any and all sanctions authorized
11 by statute or Rule or within the inherent power of the Court.” The Court, however, recognizes
12 that “dismissal is a harsh penalty, and, therefore, it should be imposed only in extreme
13 circumstances.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992).

14 This action has been pending since November 18, 2022. Over two weeks has passed since
15 the deadline for appellant to file its opening appeal brief, and appellant has failed to file its
16 opening brief and no motion for an extension of time has been filed.

17 Accordingly, **within fourteen (14) days** of the date of service of this order, appellant
18 Genautica Oil Holdings, LP shall show cause in writing why the action should not be dismissed
19 for failure to prosecute and failure to comply with the Local Rules. Alternatively, within fourteen
20 (14) days, Appellant may voluntarily dismiss the action. **Appellant is warned that failure to**
21 **comply with this order may result in dismissal of the action for failure to prosecute and**
22 **failure to obey court orders.**

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25 IT IS SO ORDERED.

26 Dated: July 7, 2024

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UNITED STATES DISTRICT JUDGE