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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	ANNA LANCE & DON LANCE,	No. 2:15-cv-0341-GEB-KJN PS
12	Plaintiffs,	
13	V.	ORDER AND
14	COMMERCE TRUST COMPANY, et al.,	ORDER TO SHOW CAUSE
15		
16	Defendants.	
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18	On April 3, 2015, the court dismissed plaintiffs' original complaint with leave to amend.	
19	(ECF No. 14.) In that order, the court granted plaintiffs 28 days to either (a) file a first amended	
20	complaint or (b) file a notice of voluntary dismissal of the action without prejudice. ( <u>Id.</u> )	
21	Plaintiffs were cautioned that failure to file either a first amended complaint or a notice of	
22	voluntary dismissal by the required deadline may result in dismissal of the action with prejudice	
23	pursuant to Federal Rule of Civil Procedure 41(b). ( <u>Id.</u> ) Although the applicable deadline has	
24	now passed, the court's records indicate that plaintiffs failed to file either a first amended	
25	complaint or a notice of voluntary dismissal. Furthermore, plaintiffs have not requested an	
26	extension of time to comply with the court's order.	
27	The court has carefully considered whether the action should be dismissed at this juncture.	
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1 merits, the court first attempts lesser sanctions in the form of an order to show cause and 2 monetary sanctions, as outlined below. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. Within 21 days of this order, plaintiffs shall pay to the Clerk of Court \$150.00 in 5 monetary sanctions based on plaintiffs' failure to comply with the court's order and failure to prosecute their case. 6 7 2. Within 21 days of this order, plaintiffs shall show cause in writing why this action 8 should not be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 9 41(b) for plaintiffs' failure to comply with the court's order and failure to prosecute 10 their case. 11 3. Within 21 days of this order, plaintiffs shall file a first amended complaint that 12 complies with the court's April 3, 2015 order. 13 4. Failure to timely comply with this order will result in a recommendation that the 14 action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 15 5. Alternatively, if plaintiffs conclude that they no longer wish to pursue the action in 16 federal court at this time, they may instead file a notice of voluntary dismissal of the 17 action without prejudice in lieu of paying the sanctions, responding to the order to 18 show cause, and filing a first amended complaint, as outlined above. 19 6. The Clerk of Court shall serve another copy of the court's prior April 3, 2015 order on 20 plaintiffs along with this order. 21 7. The June 25, 2015 status conference in this matter is vacated, subject to rescheduling 22 at a later juncture, if appropriate. 23 IT IS SO ORDERED. 24 Dated: May 7, 2015

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KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE