

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MANGIA MEDIA, INC., et al.,

Plaintiffs,

v.

UNIVERSITY PIPELINE, INC., THOMAS
UNGER,

Defendants.

Case No. 12-cv-01142 NC

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

15 On March 12, 2012, this action for breach of contract and bad faith was transferred
16 from the United States District Court, for the Eastern District of New York, to this Court.
17 Order Transferring Case, Dkt. No. 29. This Court scheduled a case management
18 conference for June 20, 2012, and ordered the parties to file a joint case management
19 conference statement by June 13, 2012. Scheduling Order, Dkt. No. 31. The Court also
20 ordered the parties to consent or decline to proceeding before a magistrate judge under 28
21 U.S.C. § 636. Standing Order, Dkt. No. 31-1. The parties failed to file a case
22 management conference statement and failed to consent or decline to proceeding before a
23 magistrate judge.

24 An action may be dismissed under Rule 41(b) of the Federal Rules of Civil
25 Procedure for failure to prosecute or to comply with a court order. *See Hells Canyon*
26 *Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (recognizing
27 that a district court may dismiss an action in accordance with Federal Rule of Civil
28 Procedure 41(b) sua sponte for a plaintiff's failure to prosecute or comply with a court

Case No. 12-cv-01142 NC
ORDER TO SHOW CAUSE

1 order); *see also Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (a district court
2 may dismiss an action for failure to comply with any order of the court).

3 Accordingly, plaintiffs are ordered to show cause in writing why this action should
4 not be dismissed under Rule 41(b) for failure to prosecute and failure to comply with a
5 court order. On or before July 5, 2012, the plaintiffs shall file with the Court a statement
6 presenting the status of this action, the reason it has not been prosecuted, and the expected
7 course of the action if it is not dismissed. Each of the parties must also file a consent or
8 declination to magistrate court jurisdiction by July 5. Failure to comply with this order
9 will be deemed sufficient grounds for dismissal.

10 The case management conference scheduled for June 20, 2012 is CONTINUED to
11 July 11, 2012, 10:00 a.m.

12 IT IS SO ORDERED.

13
14 DATED: June 18, 2012

15 
16 NATHANAEL M. COUSINS
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28