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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JUANCA LLC,

Plaintiff,

v.

WOODN INDUSTRIES GROUP, *et*
al.,

Defendants.

Case No. 16-cv-02911-BAS(WVG)
**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

20 On November 29, 2016, Plaintiff Juanca LLC commenced this action raising
21 tort claims for products liability and negligence. (Compl. ¶¶ 15–27, ECF No. 1.) The
22 next day, the Court issued an order to show cause as to why this action should not be
23 dismissed for lack of subject matter jurisdiction. (ECF No. 3.) The Court provided
24 Plaintiff with a December 16, 2016, deadline to respond. (*Id.*) Plaintiff has failed to
25 file a response.

26 Accordingly, the Court finds dismissing this action is appropriate on two bases.
27 First, dismissal pursuant to this Court’s inherent authority is appropriate because
28 Plaintiff has failed to comply with a court order. *See Ferdik v. Bonzelet*, 963 F.2d

1 1258, 1260 (9th Cir. 1992). The Court reaches this conclusion after weighing the
2 appropriate factors and having already warned Plaintiff that this action would be
3 dismissed without prejudice if it did not respond to the Court’s order to show cause.
4 *See id.* at 1262 (“[A] district court’s warning to a party that [its] failure to obey the
5 court’s order will result in dismissal can satisfy the ‘consideration of alternatives’
6 requirement.”). Second, the Court finds dismissal for lack of subject matter
7 jurisdiction is warranted. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S.
8 375, 377 (1994) (noting “[i]t is to be presumed that a cause lies outside” the limited
9 jurisdiction of federal courts, “and the burden of establishing the contrary rests upon
10 the party asserting jurisdiction”).

11 In light of the foregoing, the Court **DISMISSES WITHOUT PREJUDICE**
12 this action.

13 **IT IS SO ORDERED.**

14
15 **DATED: January 12, 2017**


Hon. Cynthia Bashant
United States District Judge