

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-00249-REB-KLM

TAX SERVICES OF AMERICA, INC.,

Plaintiff,

v.

LINDA MITCHELL,
HAMIDOU DIARRA, and
KERRY DYLES,

Defendants.

ORDER TO SHOW CAUSE

Blackburn, J.

This matter is before me *sua sponte*. On April 27, 2009, I entered an **Order To Show Cause** [#185], directing defendant to show cause on or before May 8, 2009, why his putative cross-claims against defendants, Linda Mitchell and Hamidou Diarra, should not be dismissed for failure to prosecute. Dyles failed to respond to that order within the time prescribed.

I find and conclude that the show cause order should be made absolute and that Dyles's cross-claims should be dismissed for want of prosecution pursuant to Fed.R.Civ.P. 41(b) & (c) and D.C.COLO.LCivR 41.1.

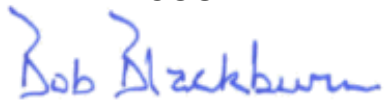
THEREFORE, IT IS ORDERED as follows:

1. That the **Order To Show Cause** [#185] entered April 27, 2009, is **MADE ABSOLUTE**; and

2. That the First and Second Cross-Claims for Relief, asserted against co-defendants, Linda Mitchell and Hamidou Diarra, in **Defendant Kerry Dyles' Answer, Affirmative Defenses, Counterclaims, and Cross Claims to Plaintiff's Complaint and Jury Demand ¶¶ 115-135 at 16-20 [#33]**, filed March 9, 2007, are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated May 12, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge