

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 14-cv-02957-PAB-MJW

STANLEY CREIGHTON LOBATO-WRIGHT and  
TODD ANTHONY LOBATO-WRIGHT,

Plaintiffs,

v.

GERRITT KOSER,

Defendant.

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**ORDER**

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This matter comes before the Court on its order to show cause [Docket No. 119]. On November 30, 2017, defendant Gerritt Koser filed a motion for summary judgment. Docket No. 108. On December 20, 2017, the Court granted plaintiffs an extension of time to respond to the motion for summary judgment. Docket No. 110. On January 2, 2018, plaintiffs' counsel filed a motion to withdraw and plaintiffs filed a second motion for an extension of time. Docket Nos. 111, 112. The Court granted the second motion for an extension of time, allowing plaintiffs until February 5, 2018 to respond to the summary judgment motion. Docket No. 114. On January 16, 2018, Magistrate Judge Michael J. Watanabe allowed plaintiffs' counsel to withdraw and reminded plaintiffs of the February 5, 2018 deadline for their response to the motion for summary judgment. Docket No. 118. Plaintiffs did not respond to the motion for summary judgment or seek an extension to do so. On February 16, 2018, the Court ordered plaintiffs to show cause by February 27, 2018 why the case should not be dismissed pursuant to Fed. R.

Civ. P. 41(b) and D.C.COLO.LCivR 41.1. Docket No. 119 at 2. In addition to mailing a copy of the order to plaintiffs' address of record, the Court emailed its order to plaintiffs. *Id.* at 2-3. There has been no indication that plaintiffs did not receive the Court's February 16, 2018 order, such as a letter returned as undeliverable.

Plaintiffs have not responded to the order to show cause. Because plaintiffs have failed to show cause why this case should not be dismissed for failure to prosecute, the Court will dismiss this case pursuant to Fed. R. Civ. P. 41(b) and D.C.COLO.LCivR 41.1.

Accordingly, it is

**ORDERED** that this case is dismissed with prejudice and judgment shall enter in favor of defendant on all of plaintiffs' claims. It is further

**ORDERED** that, within 14 days of the entry of judgment, defendant may have his costs by filing a bill of costs with the Clerk of the Court. It is further

**ORDERED** that this case is closed.

DATED March 2, 2018.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge