

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

Civil Action No. 16-cv-01847-PAB-MEH

DAVID JACKSON,
KENNETH THOMAS,
JAVIER MORA-MONCADA,
GILDARDO MORA-MONCADA, and
JESUS OROZCO, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

v.

AML CONSTRUCTION & DESIGN GROUP and
ALEXANDER KENNEDY,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On November 8, 2016, the Clerk of Court entered default against defendants AML Construction & Design Group and Alexander Kennedy. Docket No. 23. Since that time, plaintiffs have not taken steps to convert the entry of default into a default judgment or otherwise advance the case.

Federal Rule of Civil Procedure 41(b) allows the Court to dismiss a party's claims for failure to prosecute. See *Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151 (10th Cir. 2007). Additionally, D.C.COLO.LCivR 41.1 provides: "A judicial officer may issue an order to show cause why a case should not be dismissed for failure to prosecute or failure to comply with these rules, the Federal Rules of Civil Procedure, or a court order. If good cause is not shown, a district judge or a magistrate judge

exercising consent jurisdiction may enter an order of dismissal with or without prejudice."

In light of plaintiffs' apparent failure to continue to prosecute this case, it is **ORDERED** that, within thirty days of the date of this order, plaintiffs shall move for entry of default judgment or show cause why this case should not be dismissed pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41.1 for their failure to prosecute.

DATED October 31, 2017.

BY THE COURT:

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