**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PANKAJ PATEL, PINKIBEN PATEL)	
)	
Plaintiffs,)	
)	
v.)	No. 4:09-CV-1448 CAS
)	
JANET NAPOLITANO, Secretary of the)	
Department of Homeland Security;)	
MICHAEL T. JAROMIN, District Director,)	
USCIS,)	
)	
Defendant.)	

ORDER OF DISMISSAL

On January 21, 2010, the Honorable Terry I. Adelman[1] ordered plaintiffs to show cause,

within fourteen (14) days, why this case should not be dismissed for their failure to prosecute. The

show cause order was precipitated because there was nothing in the record to indicate plaintiffs had

obtained service on defendants. Plaintiffs did not respond to the order.

A district court has the power to dismiss an action if "the plaintiff fails to prosecute or to

comply with [the Federal Rules] or a court order." Smith v. Gold Dust Casino, 526 F.3d 402, 404

(8th Cir. 2008). See also Fed. R. Civ. P. 41(b); Skelton v. Henry, 390 F.3d 614, 619 (8th Cir. 2004).

Such a dismissal may be taken on the court's own motion and may be exercised under the court's

inherent power to control its docket. Id.; Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962);

Welsh v. Automatic Poultry Feeder Co., 439 F.2d 95, 96 (8th Cir. 1971). Here, plaintiffs ignored

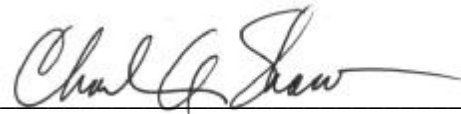the show cause order, and from all appearances, it would seem they have abandoned prosecution of

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[1]On February 11, 2010, this cause of action was reassigned to the undersigned district judge because plaintiffs had not filed consent to proceed before a magistrate judge as required by 28 U.S.C. § 626.

this case. Therefore, the Court will dismiss plaintiffs' cause of action.

Accordingly,

IT IS HEREBY ORDERED that the above-captioned cause of action is **DISMISSED, without prejudice,** for plaintiffs' failure to prosecute and to comply with a court order.

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CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this __23rd__ day of February, 2010.