

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANN M. GALLOWAY,

Plaintiff,

vs.

Civ. No. 16-335 KG/KK

MICHAEL TIPSORD, current CEO of State Farm
Fire & Casualty Company and State Farm Mutual
Automobile Insurance Company, in his
individual capacity and as State Farm employee,

Defendant.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. A review of the docket indicates that only one Defendant, Michael Tipsord, remains and that he has not answered or otherwise responded to Plaintiff's amended complaints (Docs. 5 and 44). *Pro se* Plaintiff's last activity in this case was the filing of an incomprehensible "Response to Order(s) and Motion(s)" on December 16, 2016, which, if liberally construed as some kind of motion, is denied. (Doc. 117). *See Gruenwald v. Maddox*, 403 F. App'x 306, 308 (10th Cir. 2010) (denying *pro se* motion because court could not "discern a reasoned, non-frivolous argument on the law and facts...."). It is now August 2017 and Plaintiff has taken no further steps to prosecute this case against Defendant Tipsord.

The inherent power of the Court to dismiss an action *sua sponte* for want of prosecution is well-established. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) (Fed. R. Civ. 41(b) "has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute....") (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31, *reh'g denied*, 371 U.S. 873 (1962)). Considering the status of this case, Plaintiff will be directed to show cause

why her case against Defendant Tipsord should not be dismissed without prejudice for failure to prosecute.

IT IS ORDERED that

1. "Response to Order(s) and Motion(s)" (Doc. 117) is denied;
2. fourteen days from the date of the entry of this Order to Show Cause Plaintiff must file a written response showing why her case against Defendant Tipsord should not be dismissed without prejudice for failure to prosecute; and
3. Plaintiff is notified that failure to respond to this Order to Show Cause will result in the dismissal of her case against Defendant Tipsord without further notice.



UNITED STATES DISTRICT JUDGE