

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

**ARGONAUT-MIDWEST
INSURANCE COMPANY,**

Plaintiff/Counter Defendant,

v.

No. CIV 16-0540 JCH/LAM

MANUEL GALLEGOS, SR.,

Defendant/Counter Claimant/Third-Party Plaintiff,

v.

**WESTERN STATES
INSURANCE COMPANY,**

Third-Party Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Third-Party Plaintiff Manuel Gallegos, Sr. filed a Counterclaim against Argonaut-Midwest Insurance Company and a Third-Party Complaint against Western States Insurance Company on July 28, 2016. [Doc. 6]. Counter Defendant Argonaut-Midwest Insurance Company filed an answer to the Counterclaim on August 25, 2016. [Doc. 12]. On October 3, 2016, Third-Party Defendant Western States Insurance Company filed a notice stating that Third-Party Plaintiff Manuel Gallegos has agreed to an extension of time through October 17, 2016 for Western States Insurance Company to file a response to the Third-Party Complaint. [Doc. 17]. Western States Insurance Company has not

filed a response to the Third-Party Complaint and Manuel Gallegos has not taken any further action in this case as to Western States Insurance Company. Under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1.

IT IS THEREFORE ORDERED that, **within thirty (30) days of the entry of this Order**, Third-Party Plaintiff Manuel Gallegos’ Third-Party Complaint may be dismissed without prejudice **as to Third-Party Defendant Western States Insurance Company** unless Manuel Gallegos shows good cause for failing to move his case forward as to Western States Insurance Company.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE