

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

KELLY SWEETSER,

Plaintiff,

v.

No. CIV 16-640 MV/CG

SCOUT INDUSTRIES, LLC,

Defendant.

**SECOND ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on review of the record. Plaintiff filed her complaint against Defendants Scout Industries, LLC and Chad Ingram on June 23, 2016. (Doc. 1). On October 11, 2016, the Court ordered Plaintiff to show cause as to why Defendants had not been served. (Doc. 4). In response, Plaintiff requested an additional twenty-one days for Defendants to answer the complaint. (Doc. 5). The Court then quashed its *Order to Show Cause*, (Doc. 4), and ordered Defendants to answer or otherwise respond to Plaintiff's complaint by November 15, 2016. (Doc. 6). Following the Court's order, Plaintiff voluntarily dismissed Defendant Chad Ingram. (Doc. 7).


Plaintiff then informed the Court that the remaining Defendant, Scout Industries, LLC, was unable to defend this action and filed a *Request for Entry of Default* with the Clerk of Court. (Docs. 8, 9). On August 2, 2018, the Clerk of Court granted Plaintiff's motion for entry of default against Defendant Scout Industries, LLC. (Doc. 11).

More than ninety days have passed since the Clerk's entry of default for the remaining Defendant and Plaintiff has taken no further action with the Court in this matter.

**IT IS THEREFORE ORDERED** that, on or before **Monday, November 19, 2018**,

Plaintiff shall notify the Court in writing why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Carmen E. Garza", written over a horizontal line.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE