

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DAVID SEUBERT, et al.,

Plaintiff,

Case # 18-CV-6303-FPG

v.

ORDER TO SHOW CAUSE

ANDREW M. CUOMO, in his official capacity  
as Governor of the State of New York, et al.,

Defendants.

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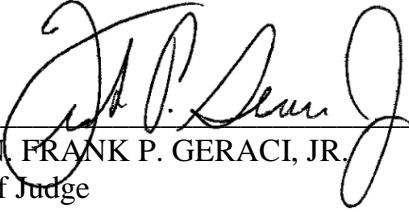
On April 17, 2018, Plaintiffs commenced this action against Defendants and moved for a writ of mandamus. ECF Nos. 1, 2. The Court denied Plaintiffs' motion nine days later. ECF No. 8. Plaintiffs have taken no further action; they have not served their complaint on Defendants and no Defendant has appeared.

If a civil case has been pending for over six months and the parties have not taken any action in six months, Local Rule of Civil Procedure 41(b) authorizes the Court to "issue a written order to the parties to show cause within thirty days why the case should not be dismissed for failure to . . . prosecute." Loc. R. Civ. P. 41(b). The Rule directs the parties to "respond to the order by filing sworn affidavits explaining in detail why the action should not be dismissed." *Id.* The Rule also warns that "[i]f the parties fail to respond, the Judge may issue an order dismissing the case, or imposing sanctions, or issuing such further directives as justice requires." *Id.*

Because this case has been pending without any action for over six months, the Court orders Plaintiff to show cause in writing by April 15, 2019, why this case should not be dismissed for failure to prosecute. Failure to comply with this Order will result in the dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: March 15, 2019  
Rochester, New York

  
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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court