

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 17-cv-01046-KMT

UNITED STATES OF AMERICA,
KIMBERLY SHIELDS,
BRUCE A. DOUCETTE,
STEVEN DEAN BYFIELD,
STEPHEN NALTY, and
HARLAN SMITH,

Plaintiffs,

v.

UNITED STATES (incorporation),
DONALD J. TRUMP,
FEDERAL BUREAU OF INVESTIGATIONS,
STATE OF COLORADO,
CYNTHIA COFFMAN,
COLORADO BAR ASSOCIATION,
MICHAEL A. MARTINEZ,
PATRICIA M. JARZOSKI,
MARTIN F. EGELHOFF,
ROBERT S. SHAPIRO,
CHRIS BYRNE,
FBI AGENTS DOE 1-50,
KIM DOE,
STANLEY L. GARNETT,
INTERNAL REVENUE SERVICE, and
ANY OTHER YET NAMED PARTICIPANTS,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the court on review of the docket. On May 4, 2017, this court

received mail returned as undeliverable that it had previously sent to Plaintiffs Steven Dean Byfield, Harlan Smith, and Stephen Nalty at the address provided to the court. (Doc. No. 1 at 26; Doc. Nos. 7-10.) Pursuant to this court's local rules, any party, including a *pro se* party, must file a notice of change of address within five days that features the new address where that party may be reached. *See* D.C.COLO.LAttyR 5(c). It appears Plaintiffs have lost contact with the court, lost interest in their case, or both. In any event, the court's inability to reach these Plaintiffs will hinder the progress of this case.

It is Plaintiffs' responsibility to prosecute this action. Rule 41(b) of the Federal Rules of Civil Procedure provides in pertinent part:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

See Rogers v. Andrus Transp. Servs., 502 F.3d 1147, 1151 (10th Cir. 2007) (noting that the court has inherent authority to consider *sua sponte* whether a case should be involuntarily dismissed due to the plaintiff's failure to prosecute).

Accordingly, it is

ORDERED that Plaintiffs Steven Dean Byfield, Harlan Smith, and Stephen Nalty shall show cause in writing on or before June 5, 2017 why their claims should not be dismissed for failure to keep the court informed of their current address and participate in good faith in this litigation. D.C.COLO.LAttyR 5(c); Fed. R. Civ. P. 41(b). *See, e.g., Myers v. [No Named Defendant]*, No. 07-cv-02421-BNB, 2008 WL 608311 (D. Colo. Mar. 4, 2008) (failure to communicate properly with court, including failure to inform court of change of address, resulted

in dismissal without prejudice). If the response is not timely filed, the court will recommend dismissal of their claims without further notice.

Dated May 9, 2017.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge