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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BOBBY GONZALEZ,)	NO. CV 17-3872-JFW(E)
)	
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION OF
)	
DEFENDANT; LOS ANGELES COUNTY)	UNITED STATES MAGISTRATE JUDGE
SHERIFF, et al.,)	
)	
Respondents.)	
_____)	

This Report and Recommendation is submitted to the Honorable John F. Walter, United States District Judge, pursuant to 28 U.S.C. section 636 and General Order 05-07 of the United States District Court for the Central District of California.

PROCEEDINGS

On May 23, 2017, this Court received a transfer from the United States Court of Appeals for the Ninth Circuit of a "Verified Petition for a Writ of Habeas Corpus, etc." filed in the Ninth Circuit by Deirdra Duncan-Gonzalez, assertedly the "Next Friend" of Petitioner

1 Bobby Gonzalez. This Petition was substantively identical to the
2 petition previously filed in this Court in Gonzalez v. Los Angeles
3 County Sheriff, et al., CV 17-0972-JFW(E).^{1/}
4

5 On May 26, 2017, the Court filed an "Order Dismissing Petition
6 With Leave to Amend." Therein, the Court allowed Petitioner thirty
7 (30) days from May 26, 2017, within which to file a First Amended
8 Petition. The Court cautioned: "[f]ailure timely to file a First
9 Amended Petition in conformity with this Order may result in the
10 dismissal of this action." Nevertheless, no timely First Amended
11 Petition has been filed.
12

13 DISCUSSION

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15 The action should be dismissed without prejudice under the
16 Court's inherent power to achieve the orderly and expeditious
17 disposition of cases by dismissing actions for failure to prosecute.
18 See Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962). The Court has
19 considered the factors recited in Ferdik v. Bonzelet, 963 F.2d 1258,
20 1260-62 (9th Cir.), cert. denied, 506 U.S. 915 (1992), and has
21 concluded that dismissal without prejudice is appropriate. In
22 particular, any less drastic alternative would not be effective under
23 the circumstances of this case.

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26
27 ¹ This Court dismissed action CV 17-0972-JFW(E) without
28 prejudice after Petitioner failed to file a timely First Amended
Petition. See Judgment entered April 18, 2017.

1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of
3 Appeals, but may be subject to the right of any party to file
4 objections as provided in the Local Rules Governing the Duties of
5 Magistrate Judges and review by the District Judge whose initials
6 appear in the docket number. No notice of appeal pursuant to the
7 Federal Rules of Appellate Procedure should be filed until entry of
8 the judgment of the District Court.

9 If the District Judge enters judgment adverse to Petitioner, the
10 District Judge will, at the same time, issue or deny a certificate of
11 appealability. Within twenty (20) days of the filing of this Report
12 and Recommendation, the parties may file written arguments regarding
13 whether a certificate of appealability should issue.

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