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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY DEWITT HUNTER,

CASE NO. 1:09-cv-1556-MJS PC

Plaintiff,

ORDER TO SHOW CAUSE WHY COURT
SHOULD NOT DISMISS CASE FOR
FAILURE TO STATE A CLAIM AND
FAILURE TO PROSECUTE

v.

KEN CLARK, et al.,

(ECF No. 12)

Defendants.

_____ /

Plaintiff Leroy Dewitt Hunter is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff filed this action on September 3, 2009. On May 28, 2010, the undersigned dismissed Plaintiff's complaint for failure to state a claim upon which relief may be granted and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or otherwise responded to the Court's order. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983.

1 Local Rule 11-110 provides that “failure of counsel or of a party to comply with these
2 Local Rules or with any order of the Court may be grounds for the imposition by the Court
3 of any and all sanctions . . . within the inherent power of the Court.” District courts have
4 the inherent power to control their dockets and “in the exercise of that power, they may
5 impose sanctions including, where appropriate . . . dismissal of a case.” Thompson v.
6 Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with
7 prejudice, based on a party's failure to prosecute an action, failure to obey a court order,
8 or failure to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th
9 Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258,
10 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment
11 of complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure
12 to comply with local rule requiring pro se plaintiffs to keep court apprised of address);
13 Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to
14 comply with court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
15 (dismissal for lack of prosecution and failure to comply with local rules).
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18 Accordingly, Plaintiff is ORDERED to show cause not later than August 18, 2010
19 why the above-captioned action should not be dismissed for failure to prosecute. A failure
20 by plaintiff to respond to this order and/or file an amended complaint by August 18, 2010
21 will result in dismissal of this action.
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24 IT IS SO ORDERED.

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26 Dated: July 13, 2010

Isl. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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