

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN GOOD,

Plaintiff,

v.

M. PAAT, et al.,

Defendants.

CASE NO. 1:10-cv-00987-SKO PC

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE

(Doc. 10)

Plaintiff John Good, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 3, 2010. On May 18, 2011, the Court issued an order striking Plaintiff’s unsigned complaint from the record and requiring Plaintiff to file a signed complaint within twenty days. Fed. R. Civ. P. 11(a); Local Rule 131. Plaintiff was warned that the failure to comply with the order would result in dismissal of this action. To date, Plaintiff has not complied with or otherwise responded to the order.

The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action for failure to comply with a pretrial order, the Court must weigh “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted). These factors guide a court

1 in deciding what to do, and are not conditions that must be met in order for a court to take action.

2 Id. (citation omitted).

3 Based on Plaintiff's failure to comply with the order to file a signed complaint, the Court is
4 left with no alternative but to dismiss the action. Id. This action cannot proceed without a pleading
5 on file and it cannot simply remain idle on the Court's docket, unprosecuted. Id. Accordingly, this
6 action is HEREBY DISMISSED, without prejudice.

7
8 IT IS SO ORDERED.

9 **Dated: June 29, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE