

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VAN A. ROSE,

Plaintiff,

v.

J. ZARAGOSA,

Defendant.

CASE NO. 1:10-cv-1333-MJS (PC)

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH A COURT
ORDER

PLAINTIFF'S RESPONSE DUE 11/10/10

Plaintiff Van A. Rose ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this Bivens action.

Local Rule 11-110 provides that "failure of counsel or of a party to comply with these Local Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court." District courts have the inherent power to control their dockets and "in the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal of a case." Thompson v. Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint).

On August 20, 2010, the Court dismissed Plaintiff's First Amended Complaint for

1 failure to state a claim and granted Plaintiff leave to amend his complaint within thirty days.
2 (ECF No. 8.) To date, Plaintiff has not complied with or otherwise responded to the Court's
3 order. As a result, there is no pleading on file which sets forth any claims upon which relief
4 may be granted under section 1983.

5 Accordingly, Plaintiff is ORDERED to show cause not later than November 10, 2010
6 why the above-captioned action should not be dismissed for failure to state a claim and
7 failure to prosecute. Plaintiff is hereby on notice that failure to respond to this order, and/or
8 file an amended complaint, by November 10, 2010 will result in dismissal of this action.

9
10
11 IT IS SO ORDERED.

12 Dated: October 22, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE