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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 TREMAYNE COLLIER,

CASE NO. 1:11-cv-00109-GBC (PC)

10 Plaintiff,

ORDER TO SHOW CAUSE FOR FAILURE
TO COMPLY THE COURT'S JULY 27, 2011
SCREENING ORDER

11 v.

12 M. D. BITER, et al.,

PLAINTIFF MUST SHOW CAUSE OR FILE
AN AMENDED COMPLAINT BY OCTOBER
10, 2011

13 Defendants.
14 _____/

15 **ORDER**

16 Plaintiff Tremayne Collier is a state prisoner proceeding pro se and in forma
17 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 27, 2011, the
18 Court screened Plaintiff's Complaint and found that it failed to state any claims upon which
19 relief could be granted. (ECF No. 8.) The Court dismissed Plaintiff's Complaint and
20 ordered him to file an amended complaint within thirty days. (*Id.*) Plaintiff was warned that
21 failure to comply with the Court's Order may result in dismissal of this action for failure to
22 state a claim upon which relief could be granted. (*Id.*) Plaintiff's First Amended Complaint
23 was due August 31, 2011.

24 Local Rule 11-110 provides that "failure of counsel or of a party to comply with these
25 Local Rules or with any order of the Court may be grounds for the imposition by the Court
26 of any and all sanctions . . . within the inherent power of the Court." District courts have
27 the inherent power to control their dockets and "in the exercise of that power, they may
28 impose sanctions including, where appropriate . . . dismissal of a case." *Thompson v.*

1 Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with
2 prejudice, based on a party's failure to prosecute an action, failure to obey a court order,
3 or failure to comply with local rules. See, e.g. Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir.
4 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258,
5 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment
6 of complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure
7 to comply with local rule requiring pro se plaintiffs to keep court apprised of address);
8 Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to
9 comply with court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
10 (dismissal for failure to lack of prosecution and failure to comply with local rules).

11 To date, Plaintiff has not filed an amended complaint or otherwise responded to the
12 Court's July 27, 2011 Screening Order and more than thirty days have passed since the
13 Court granted Plaintiff an extension of time. Accordingly, not later than **October 10, 2011**,
14 Plaintiff shall either file an amended complaint or show cause as to why his case should
15 not be dismissed.

16 Plaintiff is hereby on notice that failure to comply with this Order will result in
17 dismissal of this action for failure to prosecute and failure to state a claim upon which relief
18 could be granted.

19 IT IS SO ORDERED.

20 Dated: September 7, 2011


UNITED STATES MAGISTRATE JUDGE