



1 file an amended complaint. (Docs. 68, 69, 70.) More than 30 days passed without Plaintiff filing  
2 an amended complaint or other response to the Court’s Order. Thus, on July 21, 2017, the Court  
3 ordered Plaintiff to show cause within 21 days why this action should not be dismissed for his  
4 failure to comply with the Court’s order or to file an amended complaint or notice of voluntary  
5 dismissal within that same deadline. (Doc. 72.) More than a month has passed without Plaintiff  
6 filing any response to the order to show cause.

7 As stated in the order to show cause, the Local Rules, corresponding with Fed. R. Civ. P.  
8 11, provide, “[f]ailure of counsel, or of a party to comply with . . . any order of the Court may be  
9 grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of  
10 the Court.” Local Rule 110. “District courts have inherent power to control their dockets,” and in  
11 exercising that power, a court may impose sanctions, including dismissal of an action. *Thompson*  
12 *v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an  
13 action with prejudice, based on a party’s failure to prosecute an action or failure to obey a court  
14 order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61  
15 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint);  
16 *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply  
17 with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for  
18 failure to prosecute and to comply with local rules). Based on Plaintiff’s failure to comply with or  
19 otherwise respond to the OSC, there is no alternative but to dismiss the action.

20 Accordingly, the Court **RECOMMENDS** that this action be dismissed, with prejudice, for  
21 Plaintiff’s failure both to obey a court order and to prosecute this action, 42 U.S.C. § 1997e (a).

22 These Findings and Recommendations will be submitted to the United States District  
23 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 21**  
24 **days** after being served with these Findings and Recommendations, Plaintiff may file written  
25 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s  
26 Findings and Recommendations.”

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Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: August 30, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE