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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARVIN BERRIOS,
Plaintiff,
v.
J. BONDOC, et al.,
Defendants.

CASE NO. 1:11-cv-01435-LJO-MJS
ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH COURT
ORDER
(ECF NO. 19)
FOURTEEN (14) DAY DEADLINE

Plaintiff Marvin Berrios, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 26, 2011. (ECF No. 1.) This action is proceeding on Plaintiff's First Amended Complaint (ECF No. 10) against Defendant J. Bondoc for deliberate indifference to serious medical needs in violation of the Eighth amendment. (ECF No. 11.)

On April 7, 2014, the Second Scheduling Order was issued requiring the parties to file pretrial statements. (ECF No. 19.) Plaintiff was ordered to serve a pretrial statement on or before June 10, 2014. (Id.) The deadline has passed without Plaintiff filing a statement or requesting an extension of time to do so.

1 Local Rule 110 provides that “failure of counsel or of a party to comply with these
2 Rules or with any order of the Court may be grounds for imposition by the Court of any
3 and all sanctions . . . within the inherent power of the Court.” District courts have the
4 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 based
7 on a party’s failure to prosecute an action, failure to obey a court order, or failure to
8 comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
9 (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-
10 61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of
11 complaint); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for
12 lack of prosecution and failure to comply with local rules).

13 Plaintiff has not responded to the Court’s Order requiring that he file a pretrial
14 statement by not later than June 10, 2014.

15 Accordingly, it is HEREBY ORDERED THAT:

16 1. Within fourteen (14) days of service of this order, Plaintiff shall either show
17 cause as to why his case should not be dismissed for failure to comply with the Court’s
18 April 7, 2014, Order, or file a pretrial statement; and

19 2. If Plaintiff fails to show cause or file a pretrial statement, this action may be
20 dismissed for failure to obey a court order.

21 IT IS SO ORDERED.

22
23 Dated: June 23, 2014

/s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE