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| 6 | UNITED STATES DISTRICT COURT | | |
| 7 | EASTERN DISTRICT OF CALIFORNIA | | |
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| 9 | HORACE MANN WILLIAMS, | 1:12-cv-00730-LJO-SKO (PC) | |
| 10 | Plaintiff, | ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR | |
| 11 | v. | PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER AND FOR FAILURE | |
| 12 | CATES, et al., | TO PROSECUTE | |
| 13 | Defendants. | (Docs. 106, 107) | |
| 14 | | TWENTY-ONE (21) DAY DEADLINE | |
| 15 | Plaintiff, Horace Mann Williams, is a state prisoner proceeding pro se and in forma | | |
| 16 | <i>pauperis</i> in this civil rights action pursuant to 42 U.S.C. § 1983. On September 7, 2017, | | |
| 17 | Defendants filed a motion for summary judgment under Federal Rule of Civil Procedure 56 | | |
| 18 | asserting Plaintiff's failure to exhaust administrative remedies prior to filing suit. (Doc. 106.) | | |
| 19 20 | On September 12, 2017, a Second Informational Order issued informing Plaintiff of the | | |
| 20 21 | requirements to oppose a motion for summary judgment as well as his duty to file either an | | |
| 21 22 | opposition or a statement of non-opposition. (Doc. 107.) Plaintiff was ordered to file either | | |
| 22 | responsive document within twenty-one (21) days. (Id.). More than thirty days have passed | | |
| 23 24 | without Plaintiff having filed either document. | | |
| 24 25 | The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, "[f]ailure of counsel or | | |
| 25 26 | of a party to comply with any order of the Court may be grounds for the imposition by the | | |
| 20 27 | Court of any and all sanctions within the inherent power of the Court." Local Rule 110. | | |
| 27 | "District courts have inherent power to control their dockets," and in exercising that power, a | | |
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| 1 | court may impose sanctions, including dismissal of an action. Thompson v. Housing Authority of | |
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| 2 | Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, | |
| 3 | based on a party's failure to prosecute an action or failure to obey a court order, or failure to | |
| 4 | comply with local rules. See, e.g. Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) | |
| 5 | (dismissal for failure to comply with an order requiring amendment of complaint); <i>Malone v. U.S.</i> | |
| 6 | Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court | |
| 7 | order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to | |
| 8 | prosecute and to comply with local rules). | |
| 9 | Accordingly, Plaintiff is ORDERED to show cause within twenty-one days of the date of | |
| 10 | service of this Order why the action should not be dismissed for his failure comply with the | |
| 11 | Court's order and for his failure to prosecute this action; alternatively within that same time, | |
| 12 | Plaintiff may file an opposition or statement of non-opposition to Defendants' motion for | |
| 13 | summary judgment. | |
| 14 | IT IS SO ORDERED. | |
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| 16 | Dated: October 20, 2017 /s/ Sheila K. Oberto | |
| 17 | UNITED STATES MAGISTRATE JUDGE | |
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