

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIQUE DIAZ,

CASE NO. 1:12-cv-00732-SAB PC

Plaintiff,

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

v.

CAPTAIN VASQUEZ, et al.,

(ECF No. 7)

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE
DUE WITHIN THIRTY DAYS

Plaintiff Miguel Enrique Diaz ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 14, 2012, the Court ordered Plaintiff to submit a signed application to proceed in forma pauperis or pay the filing fee within forty-five days. More than forty-five days have passed, and Plaintiff has not complied with or otherwise responded to the Court's order.

Local Rule 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." Further, the failure of Plaintiff to prosecute this action is grounds for dismissal. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1227 (9th Cir. 2006).

Accordingly, it is HEREBY ORDERED that within **thirty (30) days** from the date of service of this order, Plaintiff shall show cause in writing why this action should not be dismissed for failure to obey a court order.

The failure to respond to this order will result in dismissal of this action, without prejudice.

IT IS SO ORDERED.

Dated: January 9, 2013

/s/ Stanley A. Boone
UNITED STATES MAGISTRATE JUDGE