

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LUIS V. RODRIGUEZ,) Case No.: 1:12-cv-00757 – JLT (PC)
)
Plaintiff,) ORDER TO SHOW CAUSE WHY THE ACTION
) SHOULD NOT BE DISMISSED FOR
v.) PLAINTIFF’S FAILURE TO COMPLY WITH THE
) COURT’S ORDER
CALIFORNIA DEP’T OF CORRECTIONS)
AND REHABILITATIONS et al.,)
) (Doc. 17).
Defendant.)
)
)
)

Plaintiff Luis V. Rodriguez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. As is required, the Court screened Plaintiff’s complaint (Doc. 1) on April 15, 2015. (Doc. 17). Plaintiff was granted 21 days to notify the Court of his willingness to proceed on his cognizable claims or to file a first amended complaint. *Id.* More than 21 days have passed and Plaintiff has failed to comply with the Court’s April 15, 2013, order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or of a party to comply 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.” Local Rule 110. “District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831

1 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party's failure to prosecute
2 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
3 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
4 requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
5 (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th
6 Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

7 **ORDER**

8 Accordingly, the Court **ORDERS**:

9 1. **Within 14 days** of the date of service of this order, Plaintiff **SHALL** show cause in
10 writing why the action should not be dismissed for his failure comply with the Court's order. In the
11 alternative, **within this same 14-day period**, Plaintiff may notify the Court that he wishes to proceed
12 on his cognizable claims or file an amended complaint.

13 **Failure to comply with this order SHALL result in dismissal of this case.**

14
15 IT IS SO ORDERED.

16 Dated: **May 10, 2013**

17 **/s/ Jennifer L. Thurston**
18 UNITED STATES MAGISTRATE JUDGE