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6	UNITED STA	TES DISTRICT COURT
7		DISTRICT OF CALIFORNIA
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9	ISABEL TUBACH,	Case No. 1:12-cv-00872-AWI-SMS (PC)
10	Plaintiff,	ORDER DISMISSING ACTION, WITHOUT PREJUDICE, FOR
11	v.	WITHOUT PREJUDICE, FOR FAILURE TO PROSECUTE
12	HOLQUIN, et al.,	(ECF No. 9)
13	Defendants.	
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10	Plaintiff Isabel Tubach ("Plaintiff") is a prisoner in the custody of the California	
17	Department of Corrections and Rehability	tation ("CDCR"). Plaintiff is proceeding pro se and in
10	forma pauperis in this civil rights action	pursuant to 42 U.S.C. § 1983. Plaintiff filed the
20	Complaint in this action on May 29, 201	2. (ECF No. 1.) In the Complaint, Plaintiff appears to
21	allege that she is being sexually abused a	and harassed in violation of the Eighth Amendment,
22	though she does not identify any specific	c constitutional right that she feels was violated. In
23	addition, Plaintiff failed to state the date	s of the occurrences of which she complains and merely
24	stated many conclusions rather than deta	iled factual allegations.
25		ssued requiring Plaintiff to submit a more definite
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27		s, to enable the Court to screen the Complaint in
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1	compliance with 28 U.S.C. § 1915A. (ECF No. 8.) That same order indicated that Plaintiff's
2	failure to comply as directed may result in the dismissal of this action under Rule 41(b) of the
3	Federal Rules of Civil Procedure without further notice. (Id.)
4	Since Plaintiff did not respond, on September 6, 2013, the Court ordered her to show
5 6	cause within fifteen days why this action should not be dismissed. (ECF No. 9.) Plaintiff was
0 7	warned that this action would be dismissed if she failed to respond. (Id.) The fifteen-day
, 8	deadline has expired and Plaintiff did not comply with or otherwise respond to the Court's order.
9	Failure to comply with a court order is grounds for sanctions up to and including dismissal of this
10	action. Local Rule 110; Fed. R. Civ. P. 41(b).
11	The Court has the inherent power to control its docket and may, in the exercise of that
12	power, impose sanctions where appropriate, including dismissal of the action. <i>Bautista v. Los</i>
13	Angeles County, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action,
14 15	the Court must weigh "(1) the public's interest in expeditious resolution of litigation; (2) the
15 16	court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
17	favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." <i>In</i>
18	<i>re Phenylpropanolamine (PPA) Products Liability Litigation</i> , 460 F.3d 1217, 1226 (9th Cir.
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20	2006) (quoting Malone v. U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)). These factors are
21	not conditions that must be met in order for a court to take action but rather guide a court in
22	deciding what to do. Id. (citation omitted).
23	Based on Plaintiff's failure to comply with or otherwise respond to the above orders, the
24	Court is left with no alternative but to dismiss the action for failure to prosecute. Id. This action
25	can proceed no further without Plaintiff's cooperation and compliance with the orders at issue.
26	The action cannot simply remain idle and unprosecuted on the Court's docket. Id.
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1	Accordingly, this action is HEREBY ORDERED DISMISSED, without prejudice, for
2	failure to prosecute.
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6	IT IS SO ORDERED. Dated: September 27, 2013
7	Dated: <u>September 27, 2013</u> SENIOR DISTRICT JUDGE
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