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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 BEVERLY JEAN GIBSON,) Case No.: 1:12-cv-00945 - JLT
12 Plaintiff,)
13 v.) SECOND ORDER DIRECTING PLAINTIFF TO
14 COMMISSIONER OF SOCIAL SECURITY,) COMPLY WITH THE INSTRUCTIONS FOR
15 Defendant.) SERVICE OF SOCIAL SECURITY APPEALS
16)

17 On July 2, 2012, the Court ordered Plaintiff Beverly Jean Gibson (“Plaintiff”) to complete and
18 submit to the Court the “Notice of Submission of Documents in Social Security Appeal Form.” (Doc.
19 8 at 4). The instructions issued directed Plaintiff to provide the clerk’s office with the documents
20 required for service. However, Plaintiff failed to comply with these instructions, and the Court issued
21 an order instructing Plaintiff to comply with the Notice by providing the documents identified above
22 to the Clerk’s office. (Doc. 11). Again, Plaintiff failed to comply with instructions set forth in the
23 Notice and the Court’s order.

24 Consequently, the Court issued a second order instructing Plaintiff to provide the documents
25 on August 29, 2012. (Doc. 13). In addition, the Court warned Plaintiff that failure to comply with the
26 Court’s order would result in dismissal of the action. *Id.* at 2. Plaintiff failed to comply with or
27 otherwise respond to the Court’s order, and on September 24, 2012, the Court issued an order to show
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1 cause why the action should not be dismissed for failure to prosecute or comply with the Court's
2 orders, or in the alternative, for Plaintiff to file the documents identified above with the Clerk's office.

3 On September 26, 2012, the Clerk's office notified the Court that Plaintiff again filed
4 incomplete service documents. For example, Plaintiff filed five copies of page one of the First
5 Amended Complaint, attached to page two of the Order directing her compliance (Doc. 11). The
6 documents provided are insufficient for service. Further, Plaintiff filed copies of several other
7 pleadings not authorized for service by the Court.

8 Plaintiff will be given **one final opportunity** to comply with the terms of the instructions for
9 service of the First Amended Complaint. Specifically, Plaintiff **SHALL** file the following documents
10 with the Clerk's office:

- 11 1. The original Summons issued July 2, 2012 (Doc. 10) and five (5) copies
- 12 2. Five (5) copies of the entire Order directing service by the U.S. Marshal (Doc. 7)
- 13 3. Five (5) copies of the entire First Amended Complaint filed July 23, 2012 (Doc. 8)
- 14 4. One completed USM-285 form addressed to the Social Security Administration

15 Plaintiff is instructed that documents not authorized for service shall not be filed with the Clerk.

16 In addition, Plaintiff is reminded that the Local Rules, corresponding with Fed. R. Civ. P. 11,
17 provide: "Failure of counsel or of a party to comply with . . . any order of the Court may be grounds
18 for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court."
19 LR 110. "District courts have inherent power to control their dockets," and in exercising that power, a
20 court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los*
21 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a
22 party's failure to prosecute an action or failure to obey a court order, or failure to comply with local
23 rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
24 comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d
25 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*,
779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

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Based upon the foregoing,

- 1. The Clerk of Court is DIRECTED to return Plaintiff’s incomplete service packets; and
- 2. Plaintiff **SHALL** file documents in compliance with the instructions set forth above within two weeks of the date of service.

If Plaintiff fails to comply with this Order, the action will be dismissed for failure to obey a court order pursuant to Local Rule 110.

IT IS SO ORDERED.

Dated: September 28, 2012 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE