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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 RUMALDO BARBOZA,) Case No.: 1:12-cv-01914 – AWI - JLT
12 Plaintiff,)
13 v.) ORDER TO SHOW CAUSE WHY THE ACTION
14 BARRY J. GREEN,) SHOULD NOT BE DISMISSED FOR
15 Defendant.) PLAINTIFF’S FAILURE TO COMPLY WITH THE
16) COURT’S ORDER
) (Doc. 15)
)
)

17 Plaintiff Rumaldo Barboza (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On July 30, 2013, the Court
19 dismissed the complaint in this matter. (Doc. 15). The Court granted Plaintiff 21 days from the date of
20 service of the order to comply with the July 30, 2013 order. *Id.* Nonetheless, more than 21 days have
21 passed and Plaintiff has failed to file a first amended complaint.

22 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or of a
23 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any
24 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have
25 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
26 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
27 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute
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1 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
2 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
3 requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
4 (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th
5 Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

6 Plaintiff is advised that this will be the Court's **FINAL** order for Plaintiff to file his first
7 amended complaint. Should Plaintiff fail to file his first amended complaint, the Court will issue
8 findings and recommendations that this matter be dismissed.

9 Accordingly, Plaintiff is **ORDERED** to show cause within **14 days** of the date of service of
10 this Order 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 time period**, Plaintiff may file his first amended complaint.

12
13 IT IS SO ORDERED.

14 Dated: **August 27, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE