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

DARNELL T. HINES,)	Case No.: 1:13-cv-00357 - AWI - JLT
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY DEFENDANTS
)	LYNN CARMICHAEL AND BARBARA NEWKIRK
v.)	SHOULD NOT BE DISMISSED FOR PLAINTIFF'S
)	FAILURE TO PROSECUTE AND OBEY THE
ASHRAFE E. YOUSEFF, et al.,)	COURT'S ORDER
)	
Defendants.)	
)	
)	

Darnell Hines (“Plaintiff”) initiated this action against Defendants Ashrafe Youseff, Joshua Garza, Godwin Ugueze, Lynn Carmichael, and Barbara Newkirk on March 12, 2013. (Doc.1.) The Court issued summons for the defendants on March 13, 2013. (Doc. 5.) Plaintiff filed proofs of service as to Ashrafe Youseff, Joshua Garza, and Godwin Ugueze (Docs. 6-8), but to date has not filed proof of service for defendants Lynn Carmichael and Barbara Newkirk.

On March 13, 2013, the Court issued its “Order Setting Mandatory Scheduling Conference,” which set forth obligations for the parties. (Doc. 4.) The Order informed Plaintiff that he was to “diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims.” (*Id.* at 1.) Also, Plaintiff was informed that he must “promptly file proofs of service of the summons and complaint so the Court has a record of service.” (*Id.* at 1-2.) The Court cautioned that if Plaintiff failed to comply with the Court’s order and Rule 4 of the Federal Rules of Civil Procedure, the Court may impose sanctions “including the dismissal of unserved defendants.” (*Id.* at 2.)

1 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a
2 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of
3 any and all sanctions . . . within the inherent power of the Court.” LR 110. “District courts have
4 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
5 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
6 (9th Cir. 1986). A court may dismiss claims with prejudice, based on a party’s failure to prosecute
7 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g., Malone v.*
8 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
9 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute
10 and to comply with local rules).

11 Accordingly, Plaintiff is **ORDERED** to show cause within fourteen days of the date of service
12 of this Order why defendants Lynn Carmichael and Barbara Newkirk should not be dismissed for his
13 failure to prosecute his claims and his failure to obey the Court’s Order.

14
15 IT IS SO ORDERED.

16 Dated: January 14, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE