

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY CARTWRIGHT,
Petitioner,

v.
CONNIE GIPSON, Warden,
Respondent.

1:13-cv-00463 AWI-MJS HC

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH COURT
ORDER**

Petitioner is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On November 21, 2013, the Court granted Petitioner's motion to stay. (ECF No. 20.) On August 7, 2014, the Court issued an order to show cause why the stay should not be vacated. (ECF No. 22.) Petitioner was required to file a response to the order to show cause within fourteen (14) days of service of the order. Petitioner was warned that failure to comply with the order may result in the dismissal of his petition pursuant to Local Rule 110.

Over fourteen days have passed without Petitioner having filed a response to the order to show cause.

Local Rule 110 provides that "failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any

1 and all sanctions . . . within the inherent power of the Court.” District courts have the
2 inherent power to control their dockets and “in the exercise of that power, they may
3 impose sanctions including, where appropriate . . . dismissal of a case.” Thompson v.
4 Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based
5 on a party’s failure to prosecute an action, failure to obey a court order, or failure to
6 comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
7 (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-
8 61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of
9 complaint); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for
10 lack of prosecution and failure to comply with local rules).

11 Petitioner has not responded to the Court’s August 7, 2014 order. The deadline
12 for filing a response to the order to show cause has passed. (ECF No. 22.)
13 Nevertheless, Petitioner shall be given one final opportunity to file, no later than thirty
14 days from the date of service of this order, a response to the order to show cause why
15 his case should not be dismissed for failure to comply with a court order. Failure to
16 respond by this deadline will result in dismissal of this action.

17
18 IT IS SO ORDERED.

19 Dated: September 4, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

20
21
22
23
24
25
26
27
28