

1 claim regarding medical appliances, or a statement that, in light of *Reyes*, they did not intend to
2 file a motion on exhaustion issues. (Doc. 50.) If Defendants filed a new motion for summary
3 judgment, Plaintiff was directed to file an opposition within twenty-one (21) days of the date that
4 Defendants served their motion and was simultaneously provided notice and warning of the
5 requirements for his opposition in compliance with *Woods v. Carey*, 684 F.3d 934, 939-41 (9th
6 Cir. 2012); *Rand v. Rowland*, 154 F.3d 952, 960-61 (9th Cir. 1998); *Klinge v. Eikenberry*, 849
7 F.2d 409 (9th Cir. 1988). (*Id.*, see also Doc. 51.)

8 Defendants filed their motion for summary judgment on exhaustion issues on December
9 22, 2016. (Doc. 54.) More than twenty-one (21) days have lapsed without Plaintiff having filed
10 an opposition or a statement of non-opposition to Defendants’ motion. On February 1, 2017, an
11 order issued for Plaintiff to show cause why the action should not be dismissed because of his
12 failure to comply with the Court’s December 2, 2016 order. (Doc. 55.) On February 3, 2017,
13 Plaintiff filed a motion requesting a thirty day extension of time to file an opposition to
14 Defendants’ motion for summary judgment. (Doc. 56.) On February 7, 2017, Plaintiff was
15 granted thirty days to file an opposition or statement of non-opposition to Defendants’ motion.
16 (Doc. 57.)¹ More than thirty days have now lapsed² without Plaintiff having filed an opposition
17 or a statement of non-opposition to Defendants’ motion.

18 As stated in the February 1, 2017 order, the Local Rules, corresponding with Fed. R. Civ.
19 P. 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may
20 be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power
21 of the Court.” Local Rule 110. “District courts have inherent power to control their dockets,”
22 and in exercising that power, a court may impose sanctions, including dismissal of an action.
23 *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may
24 dismiss an action with prejudice, based on a party’s failure to prosecute an action or failure to
25 obey a court order, or failure to comply with local rules. See, e.g. *Ferdik v. Bonzelet*, 963 F.2d

26 _____
27 ¹On February 8, 2017, the February 1, 2017 order to show cause was discharged as it has apparently crossed in the
28 mail with Plaintiff’s request for an extension. (Doc. 58.)
² A total of over three months have now passed since Defendants filed their motion for summary judgment.

