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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEX AGUAYO,
Plaintiff,
v.
JOHN N. KATAVICH,
Defendant.

1:13-cv-01454-JLT (PC)
ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED FOR
PLAINTIFF'S FAILURE TO COMPLY WITH
THE COURT'S ORDER
(Docs. 7, 10)

Plaintiff, Alex Aguayo ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On September 30, 2013, the Court issued an order finding that Plaintiff had failed to state any cognizable claims, dismissing the Complaint, and granting leave for Plaintiff to file a first amended complaint within twenty-one days. (Doc. 7.) Plaintiff filed a motion requesting a 45 day extension of time to file an amended complaint which was granted. (Docs. 8, 10.) More than 45 days have passed and Plaintiff has failed to file an amended complaint or otherwise respond to the Court's Order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*

1 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,
2 based on a party's failure to prosecute an action or failure to obey a court order, or failure to
3 comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
4 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*
5 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
6 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
7 prosecute and to comply with local rules).

8 Accordingly, Plaintiff is ORDERED to show cause within 14 days of the date of service
9 of this Order why the action should not be dismissed for his failure comply with the Court's
10 order.

11 IT IS SO ORDERED.

12
13 Dated: January 8, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE