

1 On September 20, 2017, an order issued requiring the parties to file statements, within
2 twenty-one (21) days, indicating whether a settlement conference would be beneficial. Although
3 Defendants filed a response (Doc. 114), Plaintiff failed to do so. An Amended Second
4 Scheduling Order issued on September 20, 2017, which preserved all pretrial deadlines and the
5 trial date, but rescheduled all matters to the undersigned’s calendar. (See Doc. 113.) Both the
6 Second Scheduling Order and the Amended Second Scheduling Order required Plaintiff to file his
7 pretrial statement on or before October 27, 2017. (See Docs. 108, 113.) Despite twice receiving
8 notice of this deadline, Plaintiff has not filed his pretrial statement.

9 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or
10 of a party to comply with . . . any order of the Court may be grounds for the imposition by the
11 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.
12 “District courts have inherent power to control their dockets,” and in exercising that power, a
13 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*
14 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,
15 based on a party’s failure to prosecute an action or failure to obey a court order, or failure to
16 comply with local rules. See, e.g. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
17 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*
18 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
19 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
20 prosecute and to comply with local rules). Plaintiff failed to respond to the Court’s order that
21 required a statement regarding whether a settlement conference would be beneficial, and failed to
22 file his pretrial statement.

23 Plaintiff is **ORDERED** to show cause within twenty-one (21) days of the date of service
24 of this order why the action should not be dismissed for his failure to comply with the order as to
25 whether a settlement conference would be beneficial, and the Amended Second Scheduling Order
26 requiring Plaintiff to file his pretrial statement. Alternatively, within that same time, Plaintiff
27 may file his settlement conference statement and his pretrial statement, or a notice of voluntary
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1 dismissal. **Plaintiff's failure to comply with this order will result in dismissal of this action**
2 **with prejudice.**

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4 IT IS SO ORDERED.

5 Dated: **November 7, 2017**

/s/ Sheila K. Olerto
UNITED STATES MAGISTRATE JUDGE

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