UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MIKEAL STINE,

Plaintiff,

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FEDERAL BUREAU OF PRISONS,

Defendant.

CASE NO. 1:13-cv-01883-MJS

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

(ECF NO. 12)

THIRTY (30) DAY DEADLINE

Plaintiff Mikeal Stine is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to <u>Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics</u>, 403 U.S. 388 (1971), which provides a remedy for the violation of civil rights by federal actors. (ECF No. 1.) On September 25, 2014, Plaintiff was granted thirty days to either file an amended complaint or notify the Court that he is willing to proceed only on the cognizable claims identified in his First Amended Complaint. (ECF No. 12.) The thirty day deadline has passed without a response from Plaintiff.

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 and all sanctions . . . within the inherent power of the Court." District courts have the

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Inherent power to control their dockets and "in the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal [of a case]." Thompson v. Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for ack of prosecution and failure to comply with local rules).

Plaintiff has not responded to the Court's Order requiring that, by not later than October 25, 2014, he file an amended complaint or notify the Court of his willingness to proceed on his cognizable claims.

Accordingly, it is HEREBY ORDERED THAT:

- 1. Within thirty (30) days of service of this order, Plaintiff shall either show cause as to why his case should not be dismissed for failure to comply with the Court's September 25, 2014 Order, file an amended complaint, or notify the Court of his willingness to proceed on his cognizable claims; and
- 2. If Plaintiff fails to show cause or otherwise respond as directed, this action will be dismissed, without prejudice, for failure to comply with a court order.

IT IS SO ORDERED.

Dated: November 17, 2014 Isl Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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