

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

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

ARCHIE CRANFORD,	)	Case No.: 1:13-cv-01886-LJO-BAM
	)	
Plaintiff,	)	ORDER DISMISSING ACTION WITHOUT
	)	PREJUDICE FOR FAILURE TO PROSECUTE
v.	)	
	)	
ENBONY SMITH, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

---

Plaintiff Archie Cranford (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on November 21, 2013. On November 22, 2013, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. (ECF No. 2.) Plaintiff failed to comply with the order. Accordingly, on January 7, 2014, the Court issued a second order requiring Plaintiff to file a consent or decline form within thirty days. (ECF No. 6.) Plaintiff failed to comply with the order. Thereafter, on October 28, 2014, the Court issued an order requiring Plaintiff to consent or decline to the jurisdiction of the Magistrate Judge or show cause why this action should not be dismissed for failure to prosecute. Plaintiff was to respond within twenty-one days. (ECF No. 9.) More than twenty-one days have passed and Plaintiff has not complied with or otherwise responded to the

1 Court's show cause order. Plaintiff was warned that failure to respond would result dismissal of this  
2 action without prejudice.

3 The Court has the inherent power to control its docket and may, in the exercise of that power,  
4 impose sanctions including, where appropriate, dismissal of the action. Bautista v. Los Angeles  
5 County, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action for failure to  
6 comply with a pretrial order, the Court must weigh "(1) the public's interest in expeditious resolution  
7 of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4)  
8 the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic  
9 sanctions." In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th  
10 Cir. 2006) (internal quotations and citations omitted). These factors guide a court in deciding what to  
11 do, and are not conditions that must be met in order for a court to take action. Id. (citation omitted).

12 Based on Plaintiff's failure to comply with or otherwise respond to the Court's orders, the  
13 Court is left with no alternative but to dismiss the action for failure to prosecute. Id. This action,  
14 which has been pending since November 2013, can proceed no further without Plaintiff's cooperation  
15 and compliance with the orders at issue, and the action cannot simply remain idle on the Court's  
16 docket, unprosecuted. Id. Accordingly, this action is HEREBY DISMISSED without prejudice for  
17 failure to prosecute.

18 IT IS SO ORDERED.

19 Dated: December 1, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE