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

MICHAEL NEIL JACOBSEN,  
Plaintiff,  
v.  
PEOPLE OF THE STATE OF CALIFORNIA, et al.,  
Defendants.

**1:14-cv-00108-JLT (PC)**  
**ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER AND FOR FAILURE TO PROSECUTE**  
**(Doc. 119)**  
**21-DAY DEADLINE**

Defendants Diaz and Barajas moved for summary judgment on Plaintiff's claims against them under Federal Rule of Civil Procedure 56. (Docs. 114, 116.)<sup>1</sup> On June 13, 2017, a Second Informational Order issued informing Plaintiff of his duty and the requirements to file either an opposition or a statement of non-opposition to Defendants' motion and was ordered to file either responsive document within 21 days. (Doc. 119.) More than thirty days have now lapsed without Plaintiff filing either.

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

<sup>1</sup> Defendants filed their notice of motion two days after their moving papers. (Docs. 114, 116.)

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

9 Accordingly, Plaintiff is **ORDERED** to show cause within 21 days of the date of service  
10 of this order why the action should not be dismissed for his failure comply with the Court's order  
11 and for his failure to prosecute this action, alternatively within that same time, Plaintiff may file  
12 an opposition or statement of non-opposition to Defendants' motion for summary judgment.

13 IT IS SO ORDERED.

14 Dated: August 23, 2017

15 /s/ Jennifer L. Thurston  
16 UNITED STATES MAGISTRATE JUDGE