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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID C. PATKINS,
Plaintiff,
v.
ALOMARI, et al.,
Defendants.

Case No. 1:14-cv-00674-LJO-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 TO PROSECUTE THIS ACTION
(Docs. 34, 38)
21-DAY DEADLINE

In this action, the defendants filed a motion for motion for summary judgment based upon their claim the plaintiff failed to exhaust administrative remedies prior to filing suit. (Docs. 34.) Plaintiff requested the Court allow him to conduct discovery on the issue and the Court granted this request on April 13, 2016. (Doc. 38.) The order set forth specific parameters as to what discovery was allowed, set a deadline for completion of all discovery on Plaintiff's exhaustion efforts of June 12, 2016, and ordered Plaintiff to file an opposition to Defendants' motion by July 12, 2016. (*Id.*)

Two months past that deadline have now passed and Plaintiff has failed to file an opposition or statement of non-opposition, or otherwise respond to Defendants' motion for summary judgment. 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

1 imposition by the Court of any and all sanctions . . . within the inherent power of the Court.”
2 Local Rule 110. “District courts have inherent power to control their dockets,” and in exercising
3 that power, a court may impose sanctions, including dismissal of an action. *Thompson v. Housing*
4 *Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with
5 prejudice, based on a party’s failure to prosecute an action or failure to obey a court order, or
6 failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.
7 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Malone*
8 *v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a
9 court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
10 prosecute and to comply with local rules).

11 Accordingly, Plaintiff is **ORDERED** to show cause **within 21 days** of the date of service
12 of this order why the action should not be dismissed for his failure comply with the Court’s order
13 and for his failure to prosecute this action.

14
15 IT IS SO ORDERED.

16 Dated: September 13, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE