1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	STEVEN R. WHITFIELD,	) Case No.: 1:14-cv-00829 JLT
12	Plaintiff,	) ) ORDER TO PLAINTIFF TO SHOW CAUSE WHY
13	v.	<ul> <li>) THE ACTION SHOULD NOT BE DISMISSED</li> <li>) FOR HIS FAILURE TO PROSECUTE AND</li> <li>) FAILURE TO COMPLY WITH THE COURT'S</li> <li>) ORDER</li> </ul>
14	BOWMAN ASPHALT COMPANY, et al,	
15	Defendants.	) )
16		)
17	Steven Whitfield ("Plaintiff") is proceeding pro se and in this action. On May 19, 2014, the	
18	Court determined Plaintiff failed to state a cognizable claim, and dismissed the complaint with leave to	
19	amend. (Doc. 3). Plaintiff was ordered to file an amended complaint within twenty-one days of the	
20	date of service, or no later than July 1, 2014. (Id. at 8.) To date, Plaintiff has failed to comply with or	
21	otherwise respond to the Court's order.	
22	The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a	
23	party to comply with any order of the Court may be grounds for the imposition by the Court of any	
24	and all sanctions within the inherent power of the Court." Local Rule 110. "District courts have	
25	inherent power to control their dockets," and in exercising that power, a court may impose sanctions	
26	including dismissal of an action. Thompson v. Housing Authority of Los Angeles, 782 F.2d 829, 831	
27	(9th Cir. 1986). A court may dismiss an action with prejudice, based on a party's failure to prosecute	
28	an action or failure to obey a court order, or failure to comply with local rules. See, e.g. Ferdik v.	

1	Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order	
2	requiring amendment of complaint); <i>Malone v. U.S. Postal Service</i> , 833 F.2d 128, 130 (9th Cir. 1987)	
3	(dismissal for failure to comply with a court order); <i>Henderson v. Duncan</i> , 779 F.2d 1421, 1424 (9th	
4	Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).	
5	Accordingly, Plaintiff is <b>ORDERED</b> to show cause within 14 days of the date of service of	
6	this Order why the action should not be dismissed for his failure to prosecute and failure comply with	
7	the Court's order or, in the alternative, to file an amended complaint.	
8		
9	IT IS SO ORDERED.	
10	Dated: July 9, 2014 /s/ Jennifer L. Thurston	
11	UNITED STATES MAGISTRATE JUDGE	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25 26		
26 27		
27 28		
20		
	2	