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

ARCHIE CRANFORD,

Plaintiff,

v.

AUDREY KING, et al.,

Defendants.

**Case No. 1:14-cv-01002-MJS (PC)**

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE DISMISSED  
WITH PREJUDICE FOR FAILURE TO  
OBEY A COURT ORDER AND FAILURE  
TO PROSECUTE  
(ECF No. 8)**

**FOURTEEN (14) DAY DEADLINE**

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint was dismissed for failure to state a claim. Plaintiff was granted leave to file an amended complaint by not later than August 18, 2014.

The August 18, 2014 deadline has passed without Plaintiff either filing an amended pleading or seeking an extension of time to do so.

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 inherent power to control their dockets and “in the exercise of that power, they may

1 impose sanctions including, where appropriate . . . dismissal of a case.” *Thompson v.*  
2 *Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with  
3 prejudice, based on a party’s failure to prosecute, failure to obey a court order, or failure  
4 to comply with local rules. See, e.g., *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)  
5 (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-  
6 61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of  
7 a complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for  
8 failure to comply with local rule requiring pro se plaintiffs to keep court apprised of  
9 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal  
10 for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424  
11 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

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14 In determining whether to dismiss an action for lack of prosecution, failure to  
15 obey a court order, or failure to comply with local rules, the Court must consider several  
16 factors: (1) the public’s interest in expeditious resolution of litigation, (2) the Court’s  
17 need to manage its docket, (3) the risk of prejudice to the defendants, (4) the public  
18 policy favoring disposition of cases on their merits, and (5) the availability of less drastic  
19 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,  
20 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

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22 In the instant case, the public’s interest in expeditiously resolving this litigation  
23 and the Court’s interest in managing its docket weigh in favor of dismissal. The third  
24 factor, risk of prejudice to Defendants, also weighs in favor of dismissal, since a  
25 presumption of injury arises from the occurrence of unreasonable delay in prosecuting  
26 this action. *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor --  
27 public policy favoring disposition of cases on their merits -- is greatly outweighed by the  
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1 factors in favor of dismissal discussed herein. Finally, as for the availability of lesser  
2 sanctions, at this stage in the proceedings there is little available which would constitute  
3 a satisfactory lesser sanction while preserving scarce Court resources. Plaintiff has not  
4 paid the filing fee for this action and is likely unable to pay, making monetary sanctions  
5 of little use.  
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7 Accordingly, it is HEREBY ORDERED THAT:

- 8 1. Within fourteen (14) days of service of this Order, Plaintiff shall either  
9 show cause as to why this action should not be dismissed with prejudice  
10 for failure to comply with the Court's order (ECF No. 8) and failure to  
11 prosecute, or file an amended complaint, and  
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- 13 2. If Plaintiff fails to show cause or file an amended complaint, the action will  
14 be dismissed, with prejudice.  
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16 IT IS SO ORDERED.

17 Dated: August 31, 2014

18 /s/ Michael J. Seng  
19 UNITED STATES MAGISTRATE JUDGE  
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