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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON BERG,
Plaintiff,
v.
I. GUERRA, *et al.*
Defendants.

Case No. 1:14-cv-01112-DAD-EPG (PC)
**ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED
FOR PLAINTIFF'S FAILURE TO COMPLY
WITH THE COURT'S ORDER**
THIRTY DAY DEADLINE

Plaintiff Jason Berg is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On January 10, 2017, the Court issued an order finding that service of Plaintiff’s First Amended Complaint was appropriate and instructed Plaintiff to complete and submit service documents within 30 days. (ECF No. 24.) More than 45 days have passed and Plaintiff has failed to submit the required documents or otherwise respond to the Court’s Order.

The Local Rules, corresponding with Rule 11 of the Federal Rules of Civil Procedure, 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 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth. of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may

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

7 Accordingly, Plaintiff is ORDERED to show cause why the action should not be
8 dismissed for his failure to comply with the Court's order. Plaintiff is ordered to file a written
9 response to this Order to Show Cause indicating whether he intends to pursue this action and to
10 explain his failure to submit service documents by the required date. Alternatively, Plaintiff may
11 submit the required documents. Any such response shall be filed no later than **30 days** after the
12 date of this Order. **Plaintiff is cautioned that failure to respond to this order as set forth**
13 **above may result in the dismissal of this action.**

14 IT IS SO ORDERED.

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16 Dated: March 6, 2017

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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