



1 defendant's listed telephone number responded that Plaintiff has the wrong number.<sup>1</sup> Defendant is  
2 under a duty to keep the Court and counsel apprised of his current contact information. Local Rule  
3 183. The Court needs to have information regarding Defendant's contact information as it will affect  
4 the management of this litigation.

5 Accordingly, Defendant SHALL show cause why he has failed to participate in these  
6 proceedings and obey the orders of this Court and why sanctions, up to an including terminating  
7 sanctions, should not be imposed for his failure to update his contact information and appear at the  
8 Court's scheduling conference. Defendant is further put on notice that failure to timely respond, as  
9 explained in this order, may result in the imposition of sanctions.

#### 10 DISCUSSION

11 Eastern District of California Local Rule 182(f) provides that attorneys and any party  
12 appearing pro se are "under a continuing duty to notify the Clerk and all other parties of any change of  
13 address or telephone number of the attorney or the pro se party." Thus, Defendant is under a  
14 continuing duty to keep the Clerk and others informed of any change to his address or telephone  
15 number.

16 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules or  
17 with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . .  
18 within the inherent power of the Court." District courts have the inherent power to control their  
19 dockets and "in the exercise of that power, they may impose sanctions including, where appropriate . .  
20 . dismissal of a case." *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may  
21 dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a  
22 court order, or failure to comply with local rules. *See, e.g. Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th  
23 Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61  
24 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint);  
25 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule  
26 requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d

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28 <sup>1</sup> On July 10, 2015, Defendant submitted a letter to the Court with his current address and telephone number. (Doc. 21).

1 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779  
2 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to lack of prosecution and failure to comply with  
3 local rules). In determining whether to dismiss an action for lack of prosecution, failure to obey a  
4 court order, or failure to comply with local rules, the court must consider several factors: (1) the  
5 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3)  
6 the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their  
7 merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d at 831; *Henderson*,  
8 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

9 **Accordingly, the Court HEREBY ORDERS the following:**

10 1. Defendant **MARTIN CARRILLO MARTINEZ** is hereby **ORDERED TO SHOW**  
11 **CAUSE** why this Court should not impose sanctions, including default or dismissal, for his failure to  
12 appear at the telephonic scheduling conference and otherwise comply with Local Rule 182(f).  
13 Defendant shall respond to this Order to Show Cause, **in writing**, no later than **February 29, 2016**;

14 2. Defendant's written statement **SHALL** identify his current physical address, telephone  
15 number, and email address, if any. If his contact information has changed, he shall explain why he  
16 failed to keep the Court apprised of his contact information. He shall also advise the Court whether he  
17 intends to continue to defend this action;

18 3. The Court also **SETS** a Show Cause Hearing for **March 7, 2016 at 2:00 PM** in  
19 Courtroom 8 (BAM) before United States Magistrate Judge Barbara A. McAuliffe. Defendant may  
20 appear by telephone by contacting Plaintiff at telephone number (626)799-979 prior to the conference;

21 4. Plaintiff **SHALL** appear at the show cause hearing by telephone;

22 5. The Clerk of the Court is directed to serve this Order to Show Cause on Defendant by  
23 mail.

24 **The failure to respond to this order or failure to appear at the March 7 hearing will**  
25 **result in the imposition of sanctions.**

26 IT IS SO ORDERED.

27 Dated: February 17, 2016

28 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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