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

LUIS MARIO GUERRERO,  
Plaintiff,  
v.  
BRYON BLEUM, et al.,  
Defendants.

Case No. 1:14-cv-10948-SKO (PC)  
ORDER DISMISSING ACTION,  
WITHOUT PREJUDICE, FOR  
FAILURE TO PROSECUTE  
(Doc. 13)

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Plaintiff Luis Mario Guerrero (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on October 20, 2014.<sup>1</sup> On January 21, 2015, the Court dismissed Plaintiff’s amended complaint and ordered Plaintiff to file a second amended complaint within thirty days. 28 U.S.C. § 1915A. The deadline was February 23, 2015, and Plaintiff failed to comply with or otherwise responded to the order.<sup>2</sup>

The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los Angeles Cnty.*, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action for

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<sup>1</sup> Plaintiff identified himself alternatively as Luis Mario Guerrero, Luis Mario Guerrero Angulo, and Luis Mario Angulo Vaes.

<sup>2</sup> On February 20, 2015, the United States Postal Service returned the order as undeliverable. A notation on the envelope indicates Plaintiff has been discharged on parole. However, Plaintiff has not notified the Court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 182(f).

1 failure to comply with a pretrial order, the Court must weigh “(1) the public’s interest in  
2 expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of  
3 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and  
4 (5) the availability of less drastic sanctions.” *In re Phenylpropanolamine (PPA) Products*  
5 *Liability Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted).  
6 These factors guide a court in deciding what to do, and are not conditions that must be met in  
7 order for a court to take action. *Id.* (citation omitted).

8           Based on Plaintiff’s failure to comply with or otherwise respond to the order, this action  
9 shall be dismissed. *Id.* This action can proceed no further without Plaintiff’s cooperation and  
10 compliance with the order at issue, and the action cannot simply remain idle on the Court’s  
11 docket, unprosecuted. *Id.* Accordingly, this action is HEREBY DISMISSED for failure to  
12 prosecute, without prejudice.

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14 IT IS SO ORDERED.

15 Dated: February 25, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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