

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

10 BERNADETTE GRAY, Case No. 1:14-cv-02059-LJO-SKO (PC)

Plaintiff,

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, FOR FAILURE TO OBEY A
COURT ORDER AND FAILURE TO
PROSECUTE

13 E. LONGCOR,

(Doc. 4)

Defendant.

16 Plaintiff Bernadette Gray, a state prisoner proceeding pro se and in forma pauperis, filed
17 this civil rights action pursuant to 42 U.S.C. § 1983 on December 24, 2014. On January 5, 2015,
18 the Court struck Plaintiff's unsigned complaint and ordered Plaintiff to file a signed complaint
19 within thirty days. Fed. R. Civ. P. 11(a); Local Rule 131. Plaintiff was warned that if she failed to
20 comply, this action would be dismissed, without prejudice, for failure to obey a court order. More
21 than thirty days have passed, and Plaintiff has not complied with or otherwise responded to the
22 order.¹

23 The Court has the inherent power to control its docket and may, in the exercise of that
24 power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los*
25 *Angeles Cnty.*, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action,
26 the Court must weigh “(1) the public’s interest in expeditious resolution of litigation; (2) the
27 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy

¹ The order was re-served on February 6, 2015.

1 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *In*
2 *re Phenylpropanolamine (PPA) Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (internal
3 quotations and citations omitted). These factors guide a court in deciding what to do, and are not
4 conditions that must be met in order for a court to take action. *Id.* (citation omitted).

5 Based on Plaintiff’s failure to comply with or otherwise respond to the Court’s order, the
6 Court is left with no alternative but to dismiss the action for failure to prosecute. *Id.* This action
7 can proceed no further without Plaintiff’s cooperation and compliance with the order at issue, and
8 the action cannot simply remain idle on the Court’s docket, unprosecuted. *Id.* Accordingly, this
9 action is HEREBY DISMISSED, without prejudice, for failure to obey a court order and failure to
10 prosecute.

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12 IT IS SO ORDERED.

13 Dated: April 8, 2015

14 /s/ Lawrence J. O’Neill
15 UNITED STATES DISTRICT JUDGE
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