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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 ANGEL AVALOS,

12 Plaintiff,

13 v.

14 CARPENTER, et al.,

15 Defendants.  
16

1:15-cv-00369-LJO-JLT (PC)

**FINDINGS AND RECOMMENDATION TO  
DISMISS WITH PREJUDICE FOR  
PLAINTIFF'S FAILURE TO COMPLY  
WITH THE COURT'S ORDER AND  
FAILURE TO PROSECUTE THIS ACTION**

(Docs. 26-28, 31)

**30-DAY DEADLINE**

17 On July 8, 2016, the only remaining the defendant filed three motions to compel the  
18 plaintiff to respond to his discovery requests. (Docs. 26, 27, 28.) The plaintiff did not respond to  
19 any of these motions. Local Rule 230(l). Thus, on August 18, 2016, the Court ordered the  
20 plaintiff to file an opposition or a statement of non-opposition within 21 days. (Doc. 31.) The  
21 Court warned the plaintiff was warned that his failure to comply with the order would result in  
22 recommendation that this action be dismissed. (*Id.*)

23 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel, or  
24 of a party to comply with . . . any order of the Court may be grounds for the imposition by the  
25 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.  
26 “District courts have inherent power to control their dockets,” and in exercising that power, a  
27 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*  
28 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,

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

7 Based on Plaintiff's failure to comply with or otherwise respond to the Court's order, the  
8 Court has no alternative but to recommend dismissal. Accordingly, the Court **RECOMMENDS**  
9 that this action be dismissed, with prejudice, for Plaintiff's failure both to obey a court order and  
10 to prosecute this action. 42 U.S.C. § 1997e (a).

11 These Findings and Recommendations will be submitted to the United States District  
12 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **30**  
13 **days** after being served with these Findings and Recommendations, Plaintiff may file written  
14 objections with the Court. The document should be captioned "Objections to Magistrate Judge's  
15 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
16 specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834,  
17 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18  
19 IT IS SO ORDERED.

20 Dated: September 13, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE