

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,
Plaintiff,
v.
STOLL, et al.,
Defendants.

Case No. 1:15-cv-00468-AWI-JLT (PC)
ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER
(Doc. 9)
30 DAY DEADLINE

Plaintiff, Krzysztof F. Wolinski, is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On April 8, 2015, the Court issued an order for Plaintiff to submit the proper¹ application to proceed *in forma pauperis* or pay the filing fee within 45 days -- which enclosed the proper form for Plaintiff's use. (Doc. 9.) More than 45 days have passed and Plaintiff has failed to file an amended complaint or otherwise respond to the Court's Order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, 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 Authority of*

¹ While Plaintiff filed a motion to proceed *in forma pauperis* with his Complaint in this action, it was on the wrong form.

1 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,
2 based on a party's failure to prosecute an action or failure to obey a court order, or failure to
3 comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
4 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*
5 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
6 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
7 prosecute and to comply with local rules).

8 Accordingly, Plaintiff is ORDERED to show cause within 30 days of the date of service
9 of this Order why the action should not be dismissed for his failure comply with the Court's
10 order.

11
12 IT IS SO ORDERED.

13 Dated: June 1, 2015

/s/ Jennifer L. Thurston
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28