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

CHARLES W. WINDHAM,

Plaintiff,

v.

RUBIO, et al.,

Defendants.

Case No. 1:15-cv-01224-JLT (PC)

ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED
FOR PLAINTIFF'S FAILURE TO COMPLY
WITH THE COURT'S ORDER

(Docs. 1, 7)

30-DAY DEADLINE

On October 23, 2015, the Court issued an order finding that Plaintiff had failed to state any cognizable claims, dismissing the Complaint, and granting leave for Plaintiff to file a first amended complaint within 30 days. (Doc. 7.) More than 30 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 Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order);

1 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and
2 to comply with local rules).

3 Accordingly, **within 30 days**, Plaintiff is ORDERED to show cause why the action should
4 not be dismissed for both his failure to state a claim and to comply with the Court's order.

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6 IT IS SO ORDERED.

7 Dated: **December 8, 2015**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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