

1 schedule.

2 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a
3 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any
4 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have
5 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
6 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
7 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute
8 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
9 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order);
10 *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with
11 a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
12 prosecute and to comply with local rules).

13 Accordingly, **within 14 days**, Plaintiff **SHALL** show cause in writing why the action should
14 not be dismissed for failure to prosecute or to follow the Court’s Order or, within the same time period
15 to file an opening brief. **If Plaintiff fails to comply with the deadline as ordered, the Court will**
16 **find that Plaintiff has abandoned the action, and dismiss the matter.**²

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18 IT IS SO ORDERED.

19 Dated: May 31, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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24 ² The court may take notice of facts that are capable of accurate and ready determination by resort to sources whose
25 accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); *United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir.
26 1993). The record of a court proceeding is a source whose accuracy cannot reasonably be questioned, and the Court may
27 take judicial notice of its records. *Mullis v. United States Bank. Ct.*, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987); *Valerio v.*
Boise Cascade Corp., 80 F.R.D. 626, 635 n. 1 (N.D.Cal.1978), *aff’d*, 645 F.2d 699 (9th Cir.); *see also Colonial Penn Ins.*
Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989); *Rodic v. Thistledown Racing Club, Inc.*, 615 F.2d 736, 738 (6th. Cir.
1980). Accordingly, judicial notice is taken of the Court’s records in Case Nos. 1:16-cv-752-JLT, 1:16-cv-814-JLT, and
Case No. 16-cv-00183-JLT .

28 Notably, this is the **fourth** “order to show cause” for failure to file an opening brief issued to a plaintiff
represented by Melissa Newel since April 24, 2017. (*See* Case No. 1:16-cv-752-JLT, Doc. 19; Case No. 1:16-cv-814-JLT,
Doc. 16; Case No. 16-cv-00183-JLT, Doc. 16) Counsel is reminded that requests “for modification of the briefing schedule
will **not** routinely be granted.” (Doc. 8 at 4, emphasis in original)