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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES JAMIL GARRETT,
Plaintiff,

v.

DR. NGOZI IGBINOSA,
Defendant.

CASE No. 1:16-cv-00259-MJS (PC)
ORDER TO SHOW CAUSE
(ECF NO. 21)
FOURTEEN-DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. He has consented to Magistrate Judge jurisdiction. (ECF No. 5.) No other parties have appeared in the action.

On February 3, 2017, Plaintiff was directed to submit service documents within thirty days to effectuate service on Defendant Dr. Ngozi Igbinosa. (ECF No. 21.) That thirty-day period has now passed, and Plaintiff has not responded to the Court’s Order or submitted the necessary documents.

1 Local Rule 110 provides that “failure of counsel or of a party to comply with these
2 Rules or with any order of the Court may be grounds for imposition by the Court of any
3 and all sanctions . . . within the inherent power of the Court.”

4 District courts have the inherent power to control their dockets and “in the
5 exercise of that power, they may impose sanctions including, where appropriate . . .
6 dismissal of a case.” Thompson v. Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A
7 court may dismiss an action, with prejudice, based on a party’s failure to prosecute,
8 failure to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v.
9 Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule);
10 Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
11 comply with an order requiring amendment of a complaint); Carey v. King, 856 F.2d
12 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro
13 se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d
14 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); Henderson v.
15 Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
16 failure to comply with local rules).

17 In determining whether to dismiss an action for lack of prosecution, failure to obey
18 a court order, or failure to comply with local rules, the Court must consider several
19 factors: (1) the public’s interest in expeditious resolution of litigation, (2) the Court’s need
20 to manage its docket, (3) the risk of prejudice to the defendants, (4) the public policy
21 favoring disposition of cases on their merits, and (5) the availability of less drastic
22 alternatives. Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833
23 F.2d at 130; Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

24 In the instant case, the public’s interest in expeditiously resolving this litigation
25 and the Court’s interest in managing its docket weigh in favor of dismissal. The third
26 factor, risk of prejudice to Defendant, neither weighs for nor against dismissal since no
27 Defendant has yet to appear in this action. The fourth factor – public policy favoring
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1 disposition of cases on their merits – is greatly outweighed by the factors in favor of
2 dismissal discussed herein. Finally, as for the availability of lesser sanctions, at this
3 stage in the proceedings there is little available which would constitute a satisfactory
4 lesser sanction while preserving scarce Court resources. Plaintiff has not paid the filing
5 fee for this action and is likely unable to pay, making monetary sanctions of little use.

6 Accordingly, it is HEREBY ORDERED THAT within fourteen days Plaintiff shall
7 show cause why this action should not be dismissed for failure to comply with a court
8 order.

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10 IT IS SO ORDERED.

11 Dated: April 4, 2017

/s/ Michael J. Seng
12 UNITED STATES MAGISTRATE JUDGE
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