

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

ARTHUR T. BUSSIERE,
Plaintiff,
v.
SHERMAN,
Defendant.

Case No. 1:16-cv-00899-DAD-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, 8)
30-DAY DEADLINE

On September 26, 2016, the Court issued an order finding that Plaintiff failed to state any cognizable claims, dismissing the Complaint, and granting leave for Plaintiff to file a first amended complaint within 30 days. (Doc. 8.) 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

1 failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal*
2 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order);
3 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and
4 to comply with local rules).

5 Accordingly, Plaintiff is **ORDERED** to show cause within **30 days** of the date of service
6 of this Order why the action should not be dismissed for both his failure to state a claim and to
7 comply with the Court's order; alternatively, within that same time, Plaintiff may file a notice of
8 voluntary dismissal.¹

9
10 IT IS SO ORDERED.

11 Dated: November 10, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ¹ Plaintiff may have decided to no longer pursue this action as he has been transferred to Mule Creek State Prison --
which is the relief he sought. (See Doc. 6.)