

1 Plaintiff, and the deadline for his response was reset. (Doc. 11.) However, rather than respond to
2 the Screening Order, Plaintiff appealed it to the Ninth Circuit Court of Appeal. (Doc. 12.) The
3 Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction on March 20, 2017. (Doc. 15.)
4 On April 6, 2017, Plaintiff filed a motion for reconsideration and objections to the Screening
5 Order. (Doc. 17.) Mandate from the Ninth Circuit issued on April 11, 2017. (Doc. 18.)

6 On April 21, 2017, an order issued denying Plaintiff's motion for reconsideration,
7 overruling his objections, and requiring Plaintiff to respond to the Screening Order within twenty-
8 one (21) days. (Doc. 19.) The April 21, 2017 order was served on Plaintiff that same day and
9 warned that his failure to comply would result in dismissal for his failure to obey a court order.
10 (Doc. 19.) That order explicitly stated: "**If Plaintiff fails to comply with this order, this action**
11 **will be dismissed for Plaintiff's failure to obey a court** order." (*Id.*, p. 4 (emphasis in
12 original).) More than a month has now lapsed and Plaintiff has still not filed a response to the
13 Screening Order.

14 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, "[f]ailure of counsel, or
15 of a party to comply with . . . any order of the Court may be grounds for the imposition by the
16 Court of any and all sanctions . . . within the inherent power of the Court." Local Rule 110.
17 "District courts have inherent power to control their dockets," and in exercising that power, a
18 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*
19 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,
20 based on a party's failure to prosecute an action, obey a court order, or comply with local rules.
21 *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
22 comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833
23 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v.*
24 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply
25 with local rules).

26 Despite extended opportunity and multiple warnings, Plaintiff has still not filed a response
27 to the Screening Order -- which issued over seven months ago. This is unacceptable and need not
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1 be tolerated further.

2 Accordingly, **it is HEREBY ORDERED** that this case is **DISMISSED**, with prejudice,
3 for Plaintiff's failure both to obey a court order and to prosecute; the Clerk of the Court is directed
4 to close this action.

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6 IT IS SO ORDERED.

7 Dated: June 1, 2017

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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