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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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9 ESTTE OF JOSE HERRERA, et al.,

10 Plaintiffs,

11 v.

12 CALIFORNIA DEPARTMENT OF  
13 CORRECITONS, et al.,

14 Defendants.

1:16-cv-01053-DAD-SKO (PC)

ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE DISMISSED FOR  
PLAINTIFFS' FAILURE TO PROSECUTE

(Doc. 23)

FOURTEEN (14) DAY DEADLINE

15 Plaintiffs are proceeding in this civil rights action pursuant to 42 U.S.C. § 1983. On  
16 October 2, 2017, Defendant, Bradley Atkinson, filed a motion for summary judgment pursuant to  
17 Federal Rule of Civil Procedure 56 asserting that there is no genuine dispute of material fact and  
18 that he is entitled to judgment as a matter of law. (Doc. 23.) Defendant's notice of the motion  
19 included a reminder that Local Rule 230 (*l*) required Plaintiffs to file an opposition or a statement  
20 of non-opposition within twenty-one days of the date Defendant filed the motion. (*Id.*) Although  
21 more than the allowed time has passed, Plaintiffs have not filed an opposition or a statement of  
22 non-opposition.

23 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or  
24 of a party to comply with . . . any order of the Court may be grounds for the imposition by the  
25 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.  
26 “District courts have inherent power to control their dockets,” and in exercising that power, a  
27 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*

1      *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,  
2      based on a party's failure to prosecute an action or failure to obey a court order, or failure to  
3      comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)  
4      (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*  
5      *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court  
6      order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to  
7      prosecute and to comply with local rules).

8              Accordingly, Plaintiffs are ORDERED to show cause within fourteen (14) days of the  
9      date of service of this order why the action should not be dismissed for their failure comply with  
10     the Local Rules and to prosecute this action; alternatively within that same time period, Plaintiff  
11     may file a statement of non-opposition to Defendant Atkinson's motion for summary judgment.

12              IT IS SO ORDERED.

13              Dated: October 25, 2017

14              /s/ Sheila K. Oberlo  
15              UNITED STATES MAGISTRATE JUDGE

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