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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KORY T. O'BRIEN,
Plaintiff,
v.
SIED, et al.,
Defendants.

1:16-cv-01178-SKO (PC)
**ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED
FOR PLAINTIFF'S FAILURE TO COMPLY
WITH THE COURT'S ORDER**
(Doc. 9)
30-DAY DEADLINE

Plaintiff, Kory T. O'Brien, is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On August 10, 2016, Plaintiff filed an application to proceed *in forma pauperis*, (Doc. 2), which was not on the correct form. On September 2, 2016, an order issued providing Plaintiff with the correct form and directing him to complete and submit the correct form within forty-five (45) days. (Doc. 9.) More than forty-five days have lapsed without Plaintiff having filed the correct form.

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)

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

5 Accordingly, Plaintiff is ORDERED to show cause within thirty (30) days of the date of
6 service of this Order why the action should not be dismissed for his failure comply with the
7 Court's order and for his failure to prosecute this action. Alternatively within that same time,
8 Plaintiff may either file an application to proceed *in forma pauperis* on the correct form, or pay
9 the \$400.00 filing fee for this action.

10 IT IS SO ORDERED.

11 Dated: December 2, 2016

12 /s/ Sheila K. Overt
13 UNITED STATES MAGISTRATE JUDGE
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