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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RUPERT FLOWERS,  
Plaintiff,  
v.  
DAVE DAVEY, et al.,  
Defendants.

Case No. 1:16-cv-01363-AWI-BAM (PC)  
**ORDER TO FILE CONSENT OR DECLINE  
FORM OR SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE DISMISSED  
FOR FAILURE TO PROSECUTE**  
(ECF Nos. 3, 7)  
**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Rupert Flowers (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on September 15, 2016. (ECF No. 1.) On September 15, 2016, the Court ordered Plaintiff to either consent to or decline magistrate judge jurisdiction within thirty (30) days. (ECF No. 3.) Plaintiff failed to comply with the order. On November 2, 2016, the Court ordered Plaintiff a second time to either consent to or decline magistrate judge jurisdiction within thirty (30) days. (ECF No. 7.) Plaintiff again failed to comply with the order.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Local Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Further, the failure of Plaintiff to prosecute this action is grounds for dismissal. *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006).

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Accordingly, the Court HEREBY ORDERS that within **twenty-one (21) days** from the date of service of this order, Plaintiff shall either:

(1) Complete and return the Order re Consent or Request for Reassignment, a copy of which is attached; or

(2) Show cause in writing why this action should not be dismissed for failure to prosecute.

**The failure to respond to this order will result in dismissal of this action without prejudice.**

IT IS SO ORDERED.

Dated: December 19, 2016

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE