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8   **UNITED STATES DISTRICT COURT**

9   **EASTERN DISTRICT OF CALIFORNIA**

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11   JEFF WALKER,   **1:16-cv-01417-JLT (PC)**

12   Plaintiff,   **ORDER TO SHOW CAUSE WHY THE
                                                 ACTION SHOULD NOT BE DISMISSED**
13   v.   **FOR PLAINTIFF'S FAILURE TO
                                                 PROSECUTE**
14   WECHSLER, et al.,
                                                 (Doc. 26)
15   Defendants.
                                                 30 DAY DEADLINE
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17   On April 18, 2017, Defendant filed a motion to dismiss this action under 28 U.S.C. §

18   1915(e)(2)(A), to declare Plaintiff a vexatious litigant, and to require him to post security. (Doc.

19   26.) "Opposition, if any, to the granting of the motion shall be served and filed by the responding

20   party not more than twenty-one (21) days after the date of service of the motion." L.R. 230 (*l*).

21   On the notice of the motion, Defendant advised Plaintiff that, unless otherwise ordered, this

22   motion is submitted on the record without oral argument and his "[f]ailure to file an opposition

23   may result in the granting of the motion." (Doc. 26, p. 2.) Despite this, more than thirty days

24   have lapsed since Defendant filed the motion to dismiss and Plaintiff has not filed an opposition

25   or response of any kind.

26   A court may dismiss an action with prejudice, based on a party's failure to prosecute an

27   action and failure to comply with local rules. *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th

28   Cir. 1986). "District courts have inherent power to control their dockets," and in exercising that

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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). 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." L.R. 110.

Accordingly, Plaintiff is **ORDERED to show cause within 30 days** of the date of service of this Order why this action should not be dismissed based on his failure to prosecute.

IT IS SO ORDERED.

Dated: __**May 23, 2017**__ _____**/s/ Jennifer L. Thurston**
UNITED STATES MAGISTRATE JUDGE