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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RACHELLE RIDOLA,

Plaintiff,

v.

BILAL MUHAMMAD,

Defendant.

Case No. 1:16-cv-01481-LJO-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO
PROSECUTE

FIVE DAY DEADLINE

Plaintiff Rachelle Ridola filed this action on October 3, 2016. On November 14, 2016, default was entered against Defendant Bilal Muhammad at Plaintiff’s request. On November 30, 2016, Plaintiff filed a request to continue the scheduling conference. In her request, Plaintiff stated that the wrong individual had been served and requested to continue to the scheduling conference to serve the correct defendant. On January 17, 2017, after Plaintiff filed a second request for entry of default, default was entered against Bilal Muhammad. As of the date of this order, Plaintiff has not moved for default judgment or otherwise addressed the status in this action. Accordingly, this action has been dormant on the Court docket for approximately three months.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these 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.” The Court has the inherent power to

1 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
2 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
3 2000).

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. Within five (5) days from the date of entry of this order, Plaintiff shall respond in
6 writing as to why this action should not be dismissed for failure to prosecute; and
- 7 2. If Plaintiff fails to file a response in compliance with this order the Court shall
8 recommend that this action be dismissed for failure to prosecute.

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10 IT IS SO ORDERED.

11 Dated: April 11, 2017


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UNITED STATES MAGISTRATE JUDGE