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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON WILLIAMS,
Plaintiff,
v.
OFFICER BAKER,
Defendant.

Case No. 1:16-cv-01540-DAD-JDP
ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
PLAINTIFF’S FAILURES TO PROSECUTE
AND TO COMPLY WITH COURT ORDERS
THIRTY-DAY DEADLINE

Plaintiff is a federal prisoner proceeding without counsel in this civil rights action brought under *Bivens vs. Six Unknown Agents*, 403 U.S. 388 (1971). On May 14, 2019, the court ordered plaintiff to file briefing to address whether plaintiff’s complaint states a claim upon which relief may be granted in light of *Ziglar v. Abbasi*, 137 S. Ct. 1843, 1854 (2017). Plaintiff’s submission was due June 13, 2019, but he failed to file briefing.

The court may dismiss a case for plaintiff’s failure to prosecute or failure to comply with a court order. See Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). Involuntary dismissal is a harsh penalty, but a district court has duties to resolve disputes expeditiously and to avoid needless burden for the parties. See Fed. R. Civ. P. 1; *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).

Considering plaintiff’s pro se status and in the interests of justice, the court will provide plaintiff with an opportunity to show cause for the failures to prosecute and to comply with the

1 court's order.

2 **ORDER**

3 Accordingly,

4 1. Plaintiff must show good cause in writing, no later than thirty days from the date of
5 service of this order, why this case should not be dismissed for failure to comply with a court
6 order and failure to prosecute. If plaintiff (1) files briefing addressing the *Abbasi* question or (2)
7 files an affidavit explaining why he cannot file such briefing, the court will discharge the order to
8 show cause and proceed accordingly.

9 2. Any response to this order must be filed with the court.

10 3. Plaintiff is cautioned that failure to file and serve a written response to this order will be
11 grounds for dismissal.

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13 IT IS SO ORDERED.

14 Dated: July 2, 2019


UNITED STATES MAGISTRATE JUDGE

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