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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5  
6 MARY J. BRYANT,

7 Plaintiff,

8 v.

9  
10 U.S. BANK, et al.,

11 Defendants.

CASE NO. 1:16-cv-1688-AWI-SKO

**ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE DISMISSED  
FOR PLAINTIFF'S FAILURE TO  
COMPLY WITH THE COURT'S  
ORDER**

(Doc. 5)

12  
13 **I. INTRODUCTION**

14  
15 On December 8, 2016, Plaintiff filed an amended complaint against U.S. Bank, “Buckley  
16 Madole,” and N.B.S. Default Services (collectively “Defendants”). (Doc. 4 (“Am. Compl.”).)  
17 Plaintiff had also filed an application to proceed *in forma pauperis* (IFP) with her original  
18 complaint. (Doc. 2.) On June 13, 2017, the undersigned dismissed Plaintiff’s amended complaint  
19 for failure to state a cognizable federal claim, and granted Plaintiff fourteen (14) days leave to file  
20 a second amended complaint curing the pleading deficiencies identified in the Order. (Doc. 5.)  
21 More than fourteen days have lapsed without Plaintiff having filed a second amended complaint.  
22 (See Docket.)

23 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or  
24 of a party to comply with . . . any order of the Court may be grounds for the imposition by the  
25 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.  
26 “District courts have inherent power to control their dockets,” and in exercising that power, a court  
27 may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los*  
28 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based

1 on a party's failure to prosecute an action or failure to obey a court order, or failure to comply with  
2 local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for  
3 failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal*  
4 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order);  
5 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and  
6 to comply with local rules).

7 **Accordingly, Plaintiff is ORDERED to show cause, within fourteen (14) days of the**  
8 **date of service of this Order, why this action should not be dismissed for her failure comply**  
9 **with the Court's June 13, 2017 Order by not filing a second amended complaint within the**  
10 **specified period of time.** The Court further CAUTIONS Plaintiff that, if she fails to file this  
11 statement within fourteen (14) days of the date of service of this Order, the Court will recommend  
12 to the presiding district court judge that this action be dismissed, in its entirety.

13 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at her address listed  
14 on the docket for this matter.

15 IT IS SO ORDERED.

16 Dated: July 5, 2017

17 /s/ Sheila K. Oberle  
18 UNITED STATES MAGISTRATE JUDGE