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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEONTRAY THOMAS,) Case No.: 1:16-cv-01759 - LJO-JLT
Plaintiff,) ORDER TO PLAINTIFF TO SHOW CAUSE WHY) THE ACTION SHOULD NOT BE DISMISSED
v. DANNI MELENDEZ, et al.,	 FOR FAILURE TO PROSECUTE AND COMPLY WITH THE COURT'S ORDER
Defendant.)

Deontray Thomas seeks to state claims for violations of his civil rights by Bakersfield police officers, pursuant to 42 U.S.C § 1983. On January 17, 2017, the Court dismissed the First Amended Complaint with leave to amend, directing Plaintiff "to provide facts sufficient to support his claims and to clarify whether the claims are barred by the *Rooker-Feldman* doctrine or the *Younger* abstention doctrine." (Doc. 9 at 9) The Court granted Plaintiff thirty from the date of service, or until February 21, 2017, to file an amended complaint. To date, Plaintiff has failed to file a Second Amended Complaint or otherwise respond to the Court's order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure 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." Local Rule 110. "District courts have inherent power to control their dockets," and in exercising that 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). A court may dismiss an action with prejudice, based on a party's failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

Accordingly, Plaintiff is **ORDERED** to show cause within fourteen days of the date of service of this Order why the action should not be dismissed for his failure comply with the Court's order, or in the alternative, to file a Second Amended Complaint.

IT IS SO ORDERED.

Dated: February 28, 2017 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE