

1  
2  
3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5  
6 JACK BORDERS,  
7 Plaintiff,

8 v.

9  
10 CITY OF TULARE; OFFICER ERIC  
11 TREVINO; OFFICER JULIA FRANCO;  
12 TULARE POLICE CHIEF JERRY  
13 BRECKERIDGE; CAPTAIN BROOKSHER;  
14 LT. LORI CANABA VILLASENOR;  
15 TULARE CITY MANAGER DON  
16 BOORMAN; BRAZIL LITIGATION; and  
17 MARIAN CORREIA,  
18 Defendants.

CASE NO. 1:16-cv-1818-DAD-SKO

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

(Doc. 3.)

16  
17 **I. INTRODUCTION**

18 On December 2, 2016, Plaintiff Jack Borders, proceeding pro se, filed a complaint against  
19 City of Tulare, Officer Eric Trevino, Officer Julia Franco, Tulare Police Chief Jerry Breckeridge,  
20 Captain Brooksher, Lt. Lori Canaba Villasenor, Tulare City Manager Don Boorman, “Brazil  
21 Litigation,” and Marian Correia (collectively “Defendants”).<sup>1</sup> Plaintiff also filed an application to  
22 proceed *in forma pauperis* (IFP). (Doc. 2.) On March 23, 2017, the undersigned dismissed  
23 Plaintiff’s complaint for failure to comply with Fed. R. Civ. P. 8 and lack of subject matter  
24 jurisdiction, and granted Plaintiff thirty (30) days leave to file an amended complaint curing the  
25 pleading deficiencies identified in the Order. (Doc. 3.) More than thirty days have lapsed without  
26 Plaintiff having filed an amended complaint. (*See id.* and Docket.)

27  
28 <sup>1</sup> The complaint’s caption also names Rachel Whipple as a purported plaintiff, but the complaint does not appear to  
allege any causes of action on her behalf. (*See* Doc. 1.)

1 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or  
2 of a party to comply with . . . any order of the Court may be grounds for the imposition by the  
3 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.  
4 “District courts have inherent power to control their dockets,” and in exercising that power, a court  
5 may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los*  
6 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based  
7 on a party’s failure to prosecute an action or failure to obey a court order, or failure to comply with  
8 local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for  
9 failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal*  
10 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order);  
11 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and  
12 to comply with local rules).

13 **Accordingly, Plaintiff is ORDERED to show cause, within twenty-one (21) days of the**  
14 **date of service of this Order, why this action should not be dismissed for his failure comply**  
15 **with the Court’s March 23, 2017 Order by not filing an amended complaint within the**  
16 **specified period of time.** The Court further CAUTIONS Plaintiff that, if he fails to file this  
17 statement within twenty-one (21) days of the date of service of this Order, the Court will  
18 recommend to the presiding district court judge that this action be dismissed, in its entirety.

19 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at his address listed  
20 on the docket for this matter.

21 IT IS SO ORDERED.

22 Dated: June 5, 2017

23 /s/ Sheila H. Oberto  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28