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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 ROBERT VELEZ, Jr.,

10 Plaintiff,

11 v.

12 LEWIS, et. al.,

13 Defendants.
14

Case No. 1:17-cv-00026-DAD-SKO (PC)

**ORDER TO SHOW CAUSE WHY THE ACTION
SHOULD NOT BE DISMISSED FOR
PLAINTIFF'S FAILURE TO OBEY COURT
ORDER AND TO STATE A CLAIM**

(Doc. 11)

TWENTY-ONE (21) DAY DEADLINE

15
16 Plaintiff, Robert Velez, Jr., a state inmate proceeding *pro se* and *in forma pauperis*, filed
17 this civil rights action pursuant to 42 U.S.C. § 1983. On May 17, 2017, the Court issued an order
18 finding that Plaintiff failed to state any cognizable claims, dismissing the Complaint, and granting
19 leave for Plaintiff to file a first amended complaint within thirty (30) days. (Doc. 11.) More than
20 thirty (30) days have passed and Plaintiff has failed to file an amended complaint or otherwise
21 respond to the Court's screening order.

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

1 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*
2 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
3 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
4 prosecute and to comply with local rules).

5 Further, when served at Plaintiff's address of record, the May 17, 2017 screening order
6 was returned as undeliverable on June 7, 2017. At the start of this action, the First Informational
7 Order informed Plaintiff of his duty to keep his address of record with the Court current. (Doc.
8 4.) That order stated: "If a pro se plaintiff's address is not updated within sixty-three (63) days of
9 mail being returned as undeliverable, the case will be dismissed for failure to prosecute. Local
10 Rule 183(b)." (*Id.*, p. 5.) More than sixty-three days have lapsed since the screening order was
11 returned as undeliverable and Plaintiff has not contacted the Court to request an extension or to
12 otherwise explain any circumstances that may be preventing him from complying with the order.

13 Accordingly, Plaintiff is **ORDERED** to show cause **within twenty-one (21) days** of the
14 date of service of this order why the action should not be dismissed for Plaintiff's failure to state a
15 claim and to comply with the Court's order; alternatively, within this same time period, Plaintiff
16 may file a first amended complaint or a notice of voluntary dismissal.

17
18 IT IS SO ORDERED.

19 Dated: **August 18, 2017**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE