

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,
Plaintiff,
v.
A. MANASRAH,
Defendant.

CASE NO. 1:17-cv-00071-DAD-MJS (PC)

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED WITH
PREJUDICE FOR FAILURE TO STATE A
CLAIM, FAILURE TO OBEY A COURT
ORDER, AND FAILURE TO PROSECUTE**

(ECF No. 10)

FOURTEEN (14) DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983.

On February 15, 2017, the Court dismissed Plaintiff's complaint for failure to state a claim but gave leave to amend within thirty days. (ECF No. 10.) On March 13, 2017, Plaintiff filed objections to findings and recommendations relating to a separate issue and therein stated that he was "writing his amended complaint . . . and will have it before the Court immediately." (ECF No. 12.) However, he did not request an extension of time to amend. Ultimately, the thirty-day deadline passed without Plaintiff filing either an amended pleading or notice of voluntary dismissal, or seeking an extension of time to do so.

1 Local Rule 110 provides that “failure of counsel or of a party to comply with these
2 Rules or with any order of the Court may be grounds for imposition by the Court of any
3 and all sanctions . . . within the inherent power of the Court.” District courts have the
4 inherent power to control their dockets and “in the exercise of that power, they may
5 impose sanctions including, where appropriate, default or dismissal.” Thompson v.
6 Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with
7 prejudice, based on a party’s failure to prosecute, failure to obey a court order, or failure
8 to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
9 (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-
10 61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of a
11 complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure
12 to comply with local rule requiring pro se plaintiffs to keep court apprised of address);
13 Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to
14 comply with a court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
15 (dismissal for lack of prosecution and failure to comply with local rules).

16 Based on the foregoing, it is HEREBY ORDERED THAT:

- 17 1. Within fourteen (14) days of service of this Order, Plaintiff shall file either:
- 18 a. File an amended complaint or notice of voluntary dismissal, or
- 19 b. Show cause as to why this action should not be dismissed with
- 20 prejudice for failure to state a claim, failure to prosecute, and failure
- 21 to comply with the Court’s order (ECF No. 10); and
- 22 2. If Plaintiff fails to comply with this order, the undersigned will recommend
- 23 that the action be dismissed with prejudice.

24
25 IT IS SO ORDERED.

26 Dated: April 4, 2017

27 /s/ Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE