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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 LILLIE RUTH THOMAS,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.

Case No. 1:17-cv-298-BAM

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

RESPONSE DUE: December 1, 2017

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17 On September 25, 2017, the Court granted the request of Plaintiff's counsel to withdraw
18 from representation, based upon the assertion that Plaintiff had requested that counsel terminate
19 the attorney-client relationship. (Doc. 14). Upon counsel's withdrawal, Plaintiff was informed
20 that she was proceeding pro se and that she is responsible for the timely prosecution of the action
21 even if she failed to obtain new counsel. Plaintiff was ordered to file her opening brief or notify
22 the court of whether she intends to retain new counsel or continue to represent herself in this
23 matter no later than November 6, 2017. (Doc. 14 at pg. 3). The Court warned Plaintiff that
24 failure to comply with its order may result in dismissal of this action. To date, Plaintiff has
25 failed to comply with the Court's order and has not taken any action indicating her desire to
26 prosecute the matter.

27 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or
28 of a party to comply with . . . any order of the Court may be grounds for the imposition by the

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

11 Accordingly, Plaintiff is ORDERED to SHOW CAUSE **within fourteen days** of the date
12 of service of this Order why the action should not be dismissed for Plaintiff’s failure to comply
13 with the Court’s scheduling order and Plaintiff’s failure to prosecute this action. Plaintiff shall
14 file a written response to this order to show cause no later than **December 1, 2017**. Plaintiff may
15 comply with this Order to Show Cause by filing her opening brief. Plaintiff is forewarned that
16 failure to submit a timely response to this order to show cause will result in the dismissal of this
17 action.

18 IT IS SO ORDERED.

19 Dated: **November 17, 2017**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE