## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 SANDRA LYNN NIZZOLI, 11 Case No.: 1:17-cv-0502 - JLT ORDER TO SHOW CAUSE WHY THE ACTION 12 Plaintiff, JLD NOT BE DISMISSED FOR AINTIFF'S FAILURE TO PROSECUTE AND 13 v. FAILURE TO COMPLY WITH THE COURT'S ORDER 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 Sandra Nizzoli initiated this action by filing a complaint on April 7, 2017, seeking judicial review of a decision to denying her application for Social Security benefits. (Doc. 1) On April 13, 18 19 2017, the Court entered its Scheduling Order, setting forth the applicable deadlines for the action. 20 (Doc. 6) Pursuant to the Scheduling Order, the parties exchanged confidential letter briefs, with 21 Defendant serving the Commissioner's response on November 6, 2017. (Doc. 12) 22 In the Scheduling Order, Plaintiff was ordered to file an opening brief addressing "each claimed 23 error" by the administrative law judge within thirty days of the date of service of the Commissioner's 24 response. (See Doc. 6 at 2 and 4, explaining the applicable briefing deadlines) Thus, Plaintiff was to 25 file her opening brief in this action no later than December 6, 2017. (See id.) However, Plaintiff failed

party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a

to file an opening brief, and has not requested an extension of time.

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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); *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 her failure to prosecute or to follow the Court's Order or, in the alternative, to file an opening brief.

IT IS SO ORDERED.

Dated: December 14, 2017 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE