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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

KENNY CALIHAN,  
  
                                Plaintiff,  
  
          v.  
  
KING, et al.,  
  
                                Defendants.

Case No. 1:17-cv-00535-LJO-SKO (PC)  
  
**ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE DISMISSED  
FOR PLAINTIFF’S FAILURE TO  
COMPLY WITH THE COURT’S ORDER  
AND FOR FAILURE TO STATE A CLAIM**  
  
**(Doc. 11)**  
  
**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff, Kenny Calihan, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On October 19, 2017, the Court issued an order finding that Plaintiff failed to state any cognizable claims, dismissing the Complaint, and granting Plaintiff leave to file a first amended complaint. (Doc. 11.) More than the allowed time has passed, and Plaintiff has failed to file a first amended complaint or otherwise respond to the Court’s screening order.<sup>1</sup>

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any 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*

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<sup>1</sup> It appears that Plaintiff has been released from custody and may have chosen to abandon this action. (*See* 11/08/2017 docket entry “Mail Returned as Undeliverable . . . Inmate Paroled 8/18/17.”)

1 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,  
2 based on a party's failure to prosecute an action or failure to obey a court order, or failure to  
3 comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)  
4 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*  
5 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court  
6 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to  
7 prosecute and to comply with local rules).

8 Accordingly, Plaintiff is **ORDERED** to show cause within twenty-one (21) days of the  
9 date of service of this order why the action should not be dismissed for Plaintiff's failure to state a  
10 claim, to comply with the Court's order, and to state a cognizable claim. Alternatively, within  
11 that same time period, Plaintiff may file a first amended complaint or a notice of voluntary  
12 dismissal.

13  
14 IT IS SO ORDERED.

15 Dated: November 21, 2017

/s/ Sheila K. Olerto  
UNITED STATES MAGISTRATE JUDGE