



1 that service be made within a specified time.” The deadline for service may be extended “if the  
2 plaintiff shows good cause for the failure” to serve within the specified time. *Id.*

3 The Court issued the summons on June 21, 2017. As a result, Plaintiffs were required to serve  
4 the summons and complaint within ninety days, or no later than September 19, 2017. To date,  
5 Plaintiff has not filed proofs of service indicating the defendants have been served with the summons  
6 and complaint. Further, Plaintiffs have not requested an extension of time and the Court has no  
7 information regarding why service has not been completed.<sup>1</sup> Thus, the Court is unable to find good  
8 cause for the failure to comply with the Court’s order to “diligently pursue service of the summons  
9 and complaint,” or to comply with the deadline imposed by Rule 4(m).

10 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a  
11 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any  
12 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have  
13 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions  
14 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831  
15 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute  
16 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*  
17 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order);  
18 *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with  
19 a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to  
20 prosecute and to comply with local rules). Accordingly, the Court **ORDERS:**

- 21 1. Plaintiffs **SHALL** show cause within fourteen days of the date of service of this Order  
22 why the action should not be dismissed for failure to prosecute and failure to comply  
23 with the Court’s order or, in the alternative, to file proofs of service for the defendants  
24 identified in the complaint; and

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28 <sup>1</sup> In light of the fact that the defendants are the United States Postal Service and its employee, it is difficult to believe that attempts at service would not been fruitful.

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2. The Scheduling Conference set for October 6, 2017 is **VACATED**, to be re-set at a later date upon a showing that Plaintiffs intend to prosecute this action.

IT IS SO ORDERED.

Dated: September 22, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE