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

MATTHEW JESSE MUNOZ,  
Plaintiff,  
v.  
HOGGARD, et al.,  
Defendants.

**Case No. 1:17-cv-00935-JLT (PC)**  
**ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF’S FAILURE TO COMPLY WITH THE COURT’S ORDER AND TO PROSECUTE THIS ACTION**  
**(Docs. 17, 20)**  
**21-DAY DEADLINE**

The Court screened Plaintiff’s First Amended Complaint on November 6, 2017. (Doc. 17.) That order granted Plaintiff leave to file a second amended complaint curing identified deficiencies, or a notice of voluntary dismissal. (*Id.*) Plaintiff requested an extension of time to respond to the screening order and the Court granted him a 30-day extension on April 27, 2018. (Docs. 19, 20.) Nearly three months have passed and Plaintiff has failed to file an amended complaint, or to otherwise respond to the Court’s Order.

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 Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,

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

7 Accordingly, the Court **ORDERS:**

8 1. **Within 21 days** of the date of service of this order, Plaintiff SHALL show cause  
9 in writing why this action should not be dismissed for his failure both to comply with the Court's  
10 order and to prosecute this action.

11 **Plaintiff's failure to respond to this order in the time provided will result in**  
12 **recommendation that this action be dismissed with prejudice based on his failure to obey**  
13 **the court's order and to prosecute this action.**

14  
15 IT IS SO ORDERED.

16 Dated: **July 25, 2018**

**/s/ Jennifer L. Thurston**  
17 UNITED STATES MAGISTRATE JUDGE