UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHAWN MAXWELL, Plaintiff, v. MAGDELENA GARIBAY, Defendant.	Case No.: 1:17-cv-01149 -LJO-JLT ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER AND FAILURE TO PROSECUTE

Shawn Maxwell seeks to proceed pro se and in this action. On August 30, 2017, the Court determined Plaintiff failed to clearly identify the cause of action upon which he seeks to proceed, or to allege facts sufficient for the Court to determine he stated a cognizable claim. (Doc. 4 at 3-4) Further, the Court found the allegations were insufficient to conclude the Court has jurisdiction over the action. (*Id.* at 5-6) Plaintiff was granted thirty days from the date of service to file an amended complaint. To date, Plaintiff has failed to file an amended complaint or otherwise respond to the Court's order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure 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, 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 requiring amendment of complaint); *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 his failure comply with the Court's order and failure to prosecute, or in the alternative, to file an amended complaint.

IT IS SO ORDERED.

Dated: **October 6, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE