

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,		Case No. 1:17-cv-01407-DAD-SKO (PC)
v. J. CURRY,	Plaintiff,	ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER
	Defendant.	(Docs. 20, 22) TWENTY-ONE (21) DAY DEADLINE

Plaintiff, Rogelio May Ruiz, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On May 17, 2018, the Court issued an order finding that Plaintiff failed to state any cognizable claims and granting leave for Plaintiff to file a second amended complaint within twenty-one (21) days. (Doc. 20.) Although more than 21 days have passed, Plaintiff has neither filed an amended complaint, nor otherwise responded to the Court's screening 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, 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 twenty-one (21) days of the date of service of this order why the action should not be dismissed for his failure to state a claim and to comply with the Court's order. Alternatively, within that same time period, Plaintiff may file a second amended complaint or a notice of voluntary dismissal. IT IS SO ORDERED. 1st Sheila K Oberta Dated: **June 18, 2018** UNITED STATES MAGISTRATE JUDGE