UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRANCISCO JAVIER VARGAS,

Plaintiff,

v.

CDCR, et al.,

Defendants.

Case No. 1:17-cv-01412-JLT (PC)

ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S ORDER

(Doc. 4)

21-DAY DEADLINE

On October 25, 2017, the Court issued an order for Plaintiff to submit an application to proceed *in forma pauperis* or pay the filing fee within 45 days -- which enclosed the proper form for Plaintiff's use. (Doc. 4.) More than 45 days have passed and Plaintiff has failed to file an application to proceed *in forma pauperis*, to pay the filing fee, or to respond to the Court's Order in any manner.

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 21 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.

IT IS SO ORDERED.

Dated: **December 18, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE