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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENRIQUE HUAPAYA,  
Plaintiff,  
v.  
D. DAVEY, et al.,  
Defendants.

No. 1:17-cv-01441-DAD-SAB (PC)

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH COURT  
ORDERS AND FAILURE TO PROSECUTE

Plaintiff Enrique Huapaya is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is currently scheduled for a telephonic trial confirmation hearing on December 14, 2020, and for jury trial on February 17, 2021, before the undersigned.

On January 3, 2020, the court issued a second scheduling order, which required plaintiff to file a pretrial statement by October 14, 2020. (Doc. No. 57.) That deadline has passed, and plaintiff has not filed his pretrial statement as required.

The court may impose sanctions, including dismissal of an action, due to a plaintiff's failure to comply with a court order. In determining whether to dismiss this action for failure to comply with the directives set forth in its order,

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[T]he Court must weigh the following factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.

*Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992)).

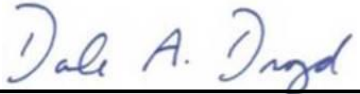
On November 18, 2020, plaintiff was ordered to show cause why this action should not be dismissed due to his failure to comply with the court’s prior orders and his failure to prosecute this action. (Doc. No. 66.) Plaintiff was given fourteen (14) days to respond to that order. (*Id.*) The court specifically warned plaintiff that his failure to comply with that order would result in a dismissal of this action. (*Id.*) The deadline for plaintiff to respond to the order to show cause has expired and no response thereto nor any other communication has been filed by plaintiff.

Accordingly,

1. This action is dismissed without prejudice, due to plaintiff’s failure to comply with court orders and failure to prosecute;
2. All future hearing dates in this action, including the December 14, 2020 telephonic trial confirmation hearing and the February 17, 2021 jury trial date, are vacated; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: December 8, 2020

  
UNITED STATES DISTRICT JUDGE