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

ROGELIO MAY RUIZ,	)	Case No. 1:17-cv-01454-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	FINDINGS AND RECOMMENDATION
v.	)	RECOMMENDING DISMISSAL OF ACTION
	)	FOR FAILURE TO STATE A COGNIZABLE
J. CURRY,	)	CLAIM FOR RELIEF
	)	
Defendant.	)	[ECF No. 11]
	)	
	)	

Plaintiff Rogelio May Ruiz is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 10, 2018, the Court found that Plaintiff’s complaint failed to state a cognizable claim for relief, and granted Plaintiff leave to file an amended complaint within thirty days. Plaintiff was warned that if he failed to comply, the Court would recommend that the action be dismissed for failure to state a cognizable claim for relief. More than thirty days have passed, and Plaintiff has not complied with or otherwise responded to the order.

The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles Cnty., 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action, the Court must weigh “(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 the defendants; (4) the public policy favoring disposition of cases

1 on their merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA)  
2 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted).  
3 These factors guide a court in deciding what to do, and are not conditions that must be met in order for  
4 a court to take action. Id. (citation omitted).

5 Based on Plaintiff’s failure to comply with or otherwise respond to the Court’s order, the Court  
6 is left with no alternative but to recommend dismissal of the action. Id. This action can proceed no  
7 further without Plaintiff’s cooperation and compliance with the order at issue, and the action cannot  
8 simply remain idle on the Court’s docket, unprosecuted. Id. Accordingly, this action is HEREBY  
9 RECOMMENDED that this action is dismissed for failure to state a cognizable claim for relief.

10 This Findings and Recommendation will be submitted to the United States District Judge  
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**  
12 after being served with this Findings and Recommendation, Plaintiff may file written objections with  
13 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
14 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may  
15 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)  
16 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17  
18 IT IS SO ORDERED.

19 Dated: February 20, 2018

  
UNITED STATES MAGISTRATE JUDGE