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

CHRISTOPHER LIPSEY, JR.)	Case No.: 1:17-cv-01706-SAB (PC)
Plaintiff,)	ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE TO THIS ACTION
v.)	
D. DAVEY, et al.,)	FINDINGS AND RECOMMENDATION RECOMMENDING DISMISSAL OF ACTION FOR FAILURE TO COMPLY WITH A COURT ORDER
Defendants.)	
)	[ECF No. 11]
)	

18 Plaintiff Christopher Lipsey, Jr. is appearing pro se and in form pauperis in this civil rights
19 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the instant action on December 19, 2017.

20 On February 6, 2018, the Court issued an order striking Plaintiff’s complaint for lack of
21 signature as required by Federal Rule of Civil Procedure 11(a) and Local Rule 131. (ECF No. 11.)
22 Plaintiff was granted thirty days to file an amended complaint complete with an original signature.
23 (Id.) Plaintiff was warned that if he failed to comply, the Court would recommend that the action be
24 dismissed for failure to comply with a court order. More than thirty days have passed, and Plaintiff
25 has not complied with or otherwise responded to the order.

26 The Court has the inherent power to control its docket and may, in the exercise of that power,
27 impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles Cnty.,
28 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action, the Court must weigh

1 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its
2 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases
3 on their merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA)
4 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted).
5 These factors guide a court in deciding what to do, and are not conditions that must be met in order for
6 a court to take action. Id. (citation omitted).

7 Based on Plaintiff’s failure to comply with or otherwise respond to the Court’s order, the Court
8 is left with no alternative but to recommend dismissal of the action. Id. This action can proceed no
9 further without Plaintiff’s cooperation and compliance with the order at issue, and the action cannot
10 simply remain idle on the Court’s docket, unprosecuted. Id.

11 Accordingly, this action is HEREBY RECOMMENDED that:

- 12 1. This action be dismissed for failure to comply with a court order; and
- 13 2. The Clerk of Court is directed to randomly assign a District Judge to this action

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

21
22 IT IS SO ORDERED.

23 Dated: March 13, 2018



24 UNITED STATES MAGISTRATE JUDGE