

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PERRY WASHINGTON,
Plaintiff,
v.
FRESNO COUNTY SHERIFF, et al.,
Defendants.

Case No. 1:19-cv-00478-AWI-JLT (PC)
**FINDINGS AND RECOMMENDATIONS
TO DISMISS ACTION FOR FAILURE TO
OBEY COURT ORDERS**
14-DAY DEADLINE

On June 28, 2020, the Court directed Plaintiff to complete and return “service documents” provided by the Court. (Doc. 25.) Despite receiving three extensions of time spanning 140 days (Docs. 28, 30, 32), Plaintiff has failed to comply with the order. In its order granting the third extension of time, the Court cautioned Plaintiff that “[f]ailure to comply ... will result in a recommendation that this action be dismissed for failure to prosecute.” (Doc. 32 at 2.) Nevertheless, Plaintiff has failed to submit the service documents as ordered by the Court, and the time to do so has passed.

The Local Rules, corresponding with Federal Rule of Civil Procedure 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, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth.*,

1 *City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a
2 party's failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g.*,
3 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a
4 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.
5 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,
6 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

7 It appears that Plaintiff has abandoned this action. Whether he has done so intentionally or
8 mistakenly is inconsequential. It is Plaintiff's responsibility to comply with the Court's orders.
9 The Court declines to expend its limited resources on a case that Plaintiff has chosen to ignore.

10 Accordingly, the Court RECOMMENDS that this action be DISMISSED for failure to
11 obey court orders. These Findings and Recommendations will be submitted to the United States
12 District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). **Within**
13 **14 days** of the date of service of these Findings and Recommendations, Plaintiff may file written
14 objections with the Court. The document should be captioned, "Objections to Magistrate Judge's
15 Findings and Recommendations." Plaintiff's failure to file objections within the specified time
16 may result in waiver of his rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.
17 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18
19 IT IS SO ORDERED.

20 Dated: **January 7, 2021**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE