

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

TIMOTHY CLEVELAND,  
Plaintiff,  
v.  
UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,  
Defendants.

) Case No.: 1:20-cv-01140-NONE-JLT  
)  
) ORDER TO SHOW CAUSE WHY ACTION  
) SHOULD NOT BE DISMISSED FOR FAILURE  
) TO COMPLY WITH THE COURT'S ORDERS  
)  
) [21-DAY DEADLINE]  
)  
)

On October 9, 2020, the Court dismissed the second amended complaint, and directed the plaintiff to file a third amended complaint or a notice of voluntary dismissal of the action within 30 days. (Doc. 11.) More than 30 days have passed, and the plaintiff has not filed a third amended complaint or notice of voluntary dismissal.

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 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., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an action, obey a court order, or 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 a court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to comply

1 with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure  
2 to prosecute and to comply with local rules).

3 Accordingly, the Court **ORDERS** the plaintiff to show cause in writing, within 21 days of the  
4 date of service of this order, why this action should not be dismissed for failure to comply with the  
5 Court's orders. Alternatively, within that same time, the plaintiff may file a third amended complaint  
6 curing the deficiencies identified in the Court's previous order (Doc. 11) or a notice of voluntary  
7 dismissal of this action.

8 **The failure to comply with this order will result in a recommendation that the Court**  
9 **dismiss the action.**

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11 IT IS SO ORDERED.

12 Dated: November 16, 2020

13 /s/ Jennifer L. Thurston  
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UNITED STATES MAGISTRATE JUDGE