

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  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN RIVERA,  
  
Plaintiff,  
  
v.  
  
SERGEANT P. RODRIGUEZ,  
  
Defendant.

Case No. 1:21-cv-1147-HBK  
ORDER TO SHOW CAUSE  
FOURTEEN-DAY RESPONSE PERIOD

Plaintiff Juan Rivera, a state prisoner, initiated this action by filing a *pro se* civil rights complaint under 42 U.S.C. § 1983 on July 29, 2021. (Doc. No. 1). Plaintiff’s complaint was not accompanied by the filing fee or an application to proceed *in forma pauperis* (“IFP”). (*See* Docket). On July 30, 2021, the Court order Plaintiff to within 30 days either submit a completed IFP application or pay the \$402.00 filing fee. (Doc. No. 3). The Court enclosed an IFP application and cautioned Plaintiff that his failure to timely comply with the Court’s order would result in this matter’s dismissal. (*Id.*). Plaintiff has neither paid the filing fee nor filed a new application to proceed IFP.

Federal Rule of Civil Procedure 41(b) permits courts to involuntarily dismiss an action when a litigant fails to prosecute an action or fails to comply with a court order. *See* Fed. R. Civ. P. 41(b); *see Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 (9th Cir. 2019) (citations omitted); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005)

1 (“[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss  
2 under Rule 41(b) *sua sponte*, at least under certain circumstances.”). Local Rule 110 similarly  
3 permits courts to impose sanctions on a party who fails to comply with a court order.

4 Accordingly, it is hereby **ORDERED**:

5 Within **fourteen (14) days** from receipt of this Order, Plaintiff shall comply with the  
6 Court’s previous July 30, 2021 Order, or show cause why the Court should not recommend that  
7 this case be dismissed without prejudice for Plaintiff’s failure to prosecute this action and/or his  
8 failure to timely comply with the Court’s July 30, 2021 Order.

9  
10 Dated: September 4, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE