

1 only on the Eighth Amendment claims found cognizable (referenced above), the remaining claims
2 against any defendant to be dismissed; *or* (2) to file a second amended complaint curing the
3 deficiencies identified by the Court in the screening order; *or* (3) to file a notice of voluntary
4 dismissal. (*Id.* at 18-19.) More than 21 days have elapsed and Plaintiff has failed to respond to the
5 Court’s order.

6 II. DISCUSSION

7 The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide,
8 “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for
9 the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.”
10 Local Rule 110. “District courts have inherent power to control their dockets” and, in exercising
11 that power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth.*,
12 *City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a
13 party’s failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g.*,
14 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a
15 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.
16 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,
17 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

18 Here, Plaintiff has failed to respond to the Court’s Second Screening Order.¹ Despite the
19 passage of more than 21 days, Plaintiff has failed to notify the Court that she wishes to proceed
20 on her cognizable claims, *or* to file a first amended complaint, *or* to file a notice of voluntary
21 dismissal.

22 III. CONCLUSION AND ORDER

23 Accordingly, the Court **ORDERS** Plaintiff to show cause in writing, **within 14 days** of
24 the date of service of this order, why this action should not be dismissed for her failure to comply
25 with the Court’s order of May 6, 2024. Alternatively, within that same time, Plaintiff may (1)

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27 ¹ Plaintiff was warned as follows: **“If Plaintiff fails to comply with this order, the Court will recommend that
28 this action be dismissed, without prejudice, for failure to obey a court order and for failure to prosecute.”** (*See*
Doc. 35 at 19.)

1 notify the court she does not wish to file a second amended complaint and is willing to proceed
2 only on her Eighth Amendment failure to protect claims against Defendants Barnes, Beaudreau,
3 Bennett, Cervantes, Ceja, Ciolli, Dewilde, Heldman, Haslett, Lopez, Lyons, McClure, Schaffer,
4 Scott, Simpson, Vandenoever, and Zaragoza, and Eighth Amendment deliberate indifference to
5 serious medical needs claims against Defendants Palenteghi and Spheres, with the remaining
6 claims against any defendant to be dismissed; *or* (2) file a second amended complaint curing the
7 deficiencies identified by the Court in the screening order; *or* (3) file a notice of voluntary
8 dismissal.

9 **Failure to comply with this Order to Show Cause will result in a recommendation**
10 **that this action be dismissed for Plaintiff's failure to obey court orders.**

11 IT IS SO ORDERED.

12 Dated: June 4, 2024

13 
14 UNITED STATES MAGISTRATE JUDGE