

1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT

9

FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11

NARISSA MELERO,

12

Plaintiff,

13

v.

14

GABRIEL RUIZ, JOSE VARGAS, and
COUNTY OF FRESNO CHILD
PROTECTIVE SERVICES,

15

16

Defendants.

17

Case No. 1:22-cv-01579-ADA-HBK

ORDER TO SHOW CAUSE

FOURTEEN-DAY DEADLINE

18

19

20

21

22

23

24

25

This matter comes before the Court upon periodic review of the file. Plaintiff, who is proceeding pro se, initiated this action by filing a 42 U.S.C. § 1983 civil rights complaint on December 8, 2022. (Doc. No. 1, Complaint). On December 12, 2022, the Court granted Plaintiff *in forma pauperis* status, but struck the Complaint because it was not signed and violated Fed. R. Civ. P. 11 and Local Rule 131(b). (Doc. No. 4). The Court directed Plaintiff to refile a signed complaint in compliance with the applicable rules within thirty (30) days. (*Id.*). Plaintiff has not submitted a signed complaint, as directed by this Court's December 9, 2022 Order and the time to do so has expired.

26

27

28

Federal Rule of Civil Procedure 41(b) permits the court to involuntarily dismiss an action when a litigant fails to prosecute an action or fails to comply with other Rules or with a court order. *See* Fed. R. Civ. P. 41(b); *see Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 (9th Cir.

1 2019) (citations omitted); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th
2 Cir. 2005) (“[T]he consensus among our sister circuits, with which we agree, is that courts may
3 dismiss under Rule 41(b) *sua sponte*, at least under certain circumstances.”). Local Rule 110
4 similarly permits the court to impose sanctions on a party who fails to comply with the court’s
5 Rules or any order of court. Precedent supports a dismissal of a case when a litigant fails to keep
6 the court apprised on his address. *Carey v. King*, 856 F.2d 1439 (9th Cir. 1988) (affirming lower
7 court and finding no abuse of discretion when district court dismissed case without prejudice after
8 *pro se* plaintiff did not comply with local rule requiring *pro se* plaintiffs keep court apprised of
9 addresses at all times); *Hanley v. Opinski*, Case No. 1:16-cv-391-DAD-SAB, 2018 WL 3388510
10 (E.D. Ca. July 10, 2018) (dismissing action for failure to prosecute and failure to provide court with
11 current address).

12 Accordingly, it is **ORDERED**:

13 Within **fourteen (14) days** from the date on this Order, Plaintiff shall file a signed
14 complaint or show good cause why this action should not be dismissed under Rule 41 and Local
15 Rules 110 and 183. Plaintiff’s failure to timely respond to this Order shall result in the
16 undersigned recommending the district court dismiss this case without further notice.

17
18 Dated: January 17, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE