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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CESARE REDMOND,

Plaintiff,

No. CIV S-07-0021 MCE EFB P

vs.

W.A. RODRIGUEZ, et al.,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed November 29, 2011, plaintiff was directed to file a pretrial statement within thirty days. The time for acting has passed and plaintiff has failed to comply.

A party’s failure to comply with any order or with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” Local Rule 110. The court may recommend that an action be dismissed with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff’s complaint for failing to obey an order to re-file an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff’s failure to comply with local rule

1 regarding notice of change of address affirmed).

2 On February 25, 2010, the court directed the Clerk of the Court to send plaintiff a copy of
3 the Local Rules of this Court, and explained that failure to comply with the Local Rules or any
4 order of this court may result in a recommendation of dismissal. Furthermore, the November 29,
5 2011 order admonished plaintiff that “failure to file a pretrial statement in accordance with this
6 order may result in the imposition of sanctions, including dismissal of this action.” November
7 29 Order, Dckt. No. 60, at 4:17-19.

8 Accordingly, it is hereby ORDERED that defendants are relieved of their obligation to
9 file a pretrial statement.

10 Further, it is hereby RECOMMENDED that:

11 1. This action be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 16(f); Fed. R.
12 Civ. P. 41(b); Local Rule 110; and

13 2. Defendants’ motion to dismiss, Dckt. No. 61, be denied as moot.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after
16 being served with these findings and recommendations, any party may file written objections
17 with the court and serve a copy on all parties. Such a document should be captioned “Objections
18 to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the
19 specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158
20 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: January 30, 2012.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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