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

STANLEY SIMS,

Plaintiff,

No. CIV S-07-0898 KJM EFB P

vs.

VEAL, et al.,

Defendants.

ORDER

_____/

Plaintiff is a former state prisoner without counsel in this action filed pursuant to 42 U.S.C. § 1983. In his pretrial statement, plaintiff indicated that a settlement conference would be helpful in resolving this matter. Dckt. No. 114 at 23. On January 31, 2012, the court ordered the parties to submit confidential settlement statements within 21 days. Dckt. No. 117. Plaintiff has not submitted a confidential settlement statement or otherwise responded to the court’s order.

A party’s failure to comply with a court order “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. Local Rule 110. The court may recommend that an action be dismissed with or without prejudice, as appropriate, if a party disobeys an order. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (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

1 Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
2 (dismissal for *pro se* plaintiff's failure to comply with local rule regarding notice of change of
3 address affirmed); *see also* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest*
4 *Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that courts may dismiss an action pursuant
5 to Federal Rule of Civil Procedure 41(b) sua sponte for a plaintiff's failure to prosecute or
6 comply with the rules of civil procedure or the court's orders).

7 Accordingly, it is hereby ORDERED that:

8 1. Within 21 days of the date of this order, plaintiff shall submit a confidential settlement
9 statement as ordered on January 31, 2012, and show cause as to why this action should not be
10 dismissed pursuant to Federal Rule of Civil Procedure 41(b) for his failure to prosecute and to
11 comply with the court's January 31, 2012 order.

12 2. Failure to comply with this order will result in a recommendation that this action be
13 dismissed pursuant to Federal Rule of Civil Procedure 41(b).

14 DATED: February 28, 2012.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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