

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

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

VICTOR JOSEPH RODELLA,

Plaintiff,

No. CIV S-09-0794 GEB EFB P

vs.

TERRY JACKSON, 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. After determining that this matter would not be referred to the Prisoner Settlement Program, the court directed plaintiff to file a pretrial statement by March 30, 2012. On March 30, 2012, the court granted plaintiff an additional thirty days in which to file his pretrial statement. 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 by the Court 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

1 amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d
2 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local rule
3 regarding notice of change of address affirmed).

4 On April 23, 2010, the court directed the Clerk of the Court to send plaintiff a copy of the
5 Local Rules of this Court, and explained that failure to comply with the Local Rules or any order
6 of this court may result in a recommendation of dismissal.

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

9 Further, it is hereby RECOMMENDED that this action be dismissed for failure to
10 prosecute and to comply with court orders. *See* Fed. R. Civ. P. 16(f); Fed. R. Civ. P. 41(b);
11 Local Rule 110.

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

19 DATED: May 21, 2012.

20
21 
22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
24
25
26