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

CHARLES G. REECE,

Plaintiff,

No. CIV S-10-0203 JAM EFB P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel and *in forma pauperis* in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On May 13, 2010, the court found that the complaint stated cognizable claims as to defendants Sisto and Mimis. The court gave plaintiff 30 days to submit materials for service of process on defendants Sisto and Mimis. On May 24, 2010, plaintiff submitted documents for service on defendant Sisto only. Plaintiff failed to comply with the court’s order because he did not submit service documents for defendant Mimis.

On June 29, 2010, the court ordered plaintiff to, within 21 days, either explain his failure to comply with the May 13 order or to submit the required document for service of process on defendant Mimis. The court warned plaintiff that failure to comply with the order would result

1 in a recommendation that this action be dismissed. The time for acting has passed and plaintiff
2 has not submitted the materials necessary to serve process on defendant Mimis, nor has he
3 otherwise complied with or responded to the June 29 order.

4 A party's failure to comply with any order or with the Local Rules "may be grounds for
5 imposition of any and all sanctions authorized by statute or Rule or within the inherent power of
6 the Court." Local Rule 110. The court may recommend that an action be dismissed with or
7 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
8 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
9 dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file an amended
10 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
11 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local rule
12 regarding notice of change of address affirmed).

13 Accordingly, it is hereby ORDERED that, within 21 days of the date of this order,
14 plaintiff shall either comply with the June 29 order or inform the court that he wishes to proceed
15 against defendant Sisto only and consents to the dismissal of defendant Mimis. Failure to
16 comply with this order will result in a recommendation that this action be dismissed without
17 prejudice for failure to prosecute.

18 DATED: August 12, 2010.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
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