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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE JOHNSON,
Plaintiff,
v.
FELKER, et al.,
Defendants.

No. 2:12-cv-2719 GEB KJN P

ORDER AND ORDER TO SHOW CAUSE

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. Statti is the sole remaining defendant. (ECF No. 53.) On June 17, 2015, defendant Statti filed a motion to compel discovery responses to discovery propounded on April 1, 2015. On June 19, 2015, plaintiff was directed to file an opposition or statement of non-opposition within 21 days. Plaintiff was cautioned that he is required to cooperate in discovery, and that failure to cooperate in discovery may result in the imposition of sanctions, including a recommendation that this action be dismissed. (ECF No. 55 at 2.)

On August 6, 2015, plaintiff was granted an extension of time in which to file an opposition to the motion to compel. Plaintiff was again warned that his failure to cooperate in discovery may result in a recommendation that this action be dismissed. (ECF No. 57 at 2.)

On September 28, 2015, defendant noted that plaintiff failed to timely file an opposition to the motion to compel, and has not provided discovery responses. (ECF No. 58 at 2.)

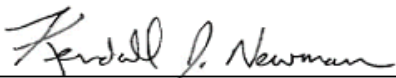
1 Federal Rule of Civil Procedure 37 permits the court to impose sanctions on a party who
2 fails to serve answers to interrogatories or to respond to request for production of documents.
3 Fed. R. Civ. P. 37(d)(3). Federal Rule of Civil Procedure 37 permits the court to impose
4 sanctions on a party that fails to comply with a discovery order. Fed. R. Civ. P. 37(b)(2)(A).
5 Moreover, the court has the inherent power to control its docket and may, in the exercise of that
6 power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los
7 Angeles County, 216 F.3d 837, 841 (9th Cir. 2000).

8 Therefore, defendant's motion to compel is granted. Within fourteen days from the date
9 of this order, plaintiff shall provide, without objection, responses to defendant Statti's discovery
10 requests propounded on April 1, 2015, and shall file a notice with the court attesting to his
11 compliance with this order. Plaintiff is cautioned that failure to provide the discovery responses
12 sought and to respond to this order will result in the dismissal of this action.

13 Accordingly, IT IS HEREBY ORDERED that

- 14 1. Defendant's motion to compel (ECF No. 54 at 5-9; 54-1) is granted; and
- 15 2. Within fourteen days from the date of this order, plaintiff shall provide, without
16 objection, responses to defendant Statti's discovery requests propounded on April 1, 2015, and
17 shall file a notice with the court attesting to his compliance with this order. Failure to comply
18 with this order will result in the dismissal of this action.

19 Dated: October 15, 2015

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21 _____
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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