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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN	DISTRICT OF CALIFORNIA
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11	ALMA BETTS,	No. 2:13-cv-01486-KJM-KJN-PS
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	CPS, et al.,	
15	Defendants.	
16		
17	Plaintiff, who is proceeding without c	ounsel, filed her complaint and an application to
18	proceed in forma pauperis on July 24, 2013. <sup>1</sup>	(ECF Nos. 1-2.) On August 9, 2013, the
19	undersigned granted plaintiff's application to	proceed in forma pauperis, dismissed her complaint
20	without prejudice pursuant to 28 U.S.C. § 19	15(e)(2)(B), and granted her leave to file an amended
21	pleading within 45 days. (ECF No. 3.)	
22	It has been more than 45 days since the	ne deadline for plaintiff to file an amended pleading
23	pursuant to the undersigned's order of Augus	t 9, 2013. (ECF No. 3.) To date, plaintiff has not
24	filed an amended complaint.	
25	The court is inclined to recommend, o	on its own motion, the dismissal of plaintiff's action
26	with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute, failure	
27 28	<sup>1</sup> This case proceeds before the undersigned $302(c)(21)$ and 28 U.S.C. § 636(b)(1).	pursuant to Eastern District of California Local Rule
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1	to comply with the Federal Rules of Civil Procedure, and failure to comply with this court's order	
2	(ECF No. 3), which is incorporated by reference herein. Eastern District Local Rule 110 provides	
3	that "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court	
4	may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule	
5	or within the inherent power of the Court." Moreover, Eastern District Local Rule 183(a)	
6	provides, in part:	
7	Any individual representing himself or herself without an attorney	
8	is bound by the Federal Rules of Civil or Criminal Procedure, these Rules, and all other applicable law. All obligations placed on	
9	"counsel" by these Rules apply to individuals appearing <u>in propria</u> <u>persona</u> . Failure to comply therewith may be ground for dismissal	
10	or any other sanction appropriate under these Rules.	
11	See also King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the	
12	same rules of procedure that govern other litigants."). Case law is in accord that a district court	
13	may impose sanctions, including involuntary dismissal of a plaintiff's case with prejudice	
14	pursuant to Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute his or her	
15	case or fails to comply with the court's orders. See Chambers v. NASCO, Inc., 501 U.S. 32, 44	
16	(1991) (recognizing that a court "may act <i>sua sponte</i> to dismiss a suit for failure to prosecute");	
17	Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)	
18	(stating that courts may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) sua	
19	sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or the	
20	court's orders); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) ("Pursuant to Federal	
21	Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with	
22	any order of the court."), cert. denied, 506 U.S. 915 (1992); Thompson v. Housing Auth. of City	
23	of L.A., 782 F.2d 829, 831 (9th Cir. 1986) (per curiam) (stating that district courts have inherent	
24	power to control their dockets and may impose sanctions including dismissal), cert. denied, 479	
25	U.S. 829 (1986).	
26	Based on the foregoing, IT IS HEREBY ORDERED that:	
27	1. Plaintiff shall show cause in writing, no later than <u>November 30, 2013</u> , why this	
28	case should not be dismissed for plaintiff's failure to prosecute the action and failure to comply $2$	

1	with the court's order of August 9, 2013 (ECF No. 3).
2	2. On or before <u>November 30, 2013</u> , plaintiff shall file an amended complaint that
3	addresses the issues raised in the court's screening order entered on August 9, 2013 (ECF No. 3).
4	3. Plaintiff's failure to file the required writing and amended complaint shall
5	constitute an additional ground for, and plaintiff's consent to, the imposition of appropriate
6	sanctions, including a recommendation that plaintiff's case be involuntarily dismissed with
7	prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110 and 183(a).
8	IT IS SO ORDERED.
9	Dated: October 18, 2013
10	Ferdall & Newman
11	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
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