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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REFUGIO ARAIZA ESCALANTE,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 2:15-cv-1451-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel 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) and is before the undersigned pursuant to plaintiff’s consent. See 28 U.S.C. § 636; see also E.D. Cal. Local Rules, Appx. A, at (k)(4).

On January 27, 2017, the court informed plaintiff of the deficiencies in his complaint and directed him to file an amended complaint within thirty days. ECF No. 8. The court also warned plaintiff that failure to comply with the order would result in this action being dismissed for failure to prosecute. *Id.* The time for acting has passed and plaintiff has not filed an amended complaint, or otherwise responded to the court’s order.

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

1 inherent power of the Court.” E.D. Cal. Local Rule 110. The court may dismiss an action with or
2 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
3 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
4 dismissing pro se plaintiff’s complaint for failing to obey an order to re-file an amended
5 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
6 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff’s failure to comply with local rule
7 regarding notice of change of address affirmed).

8 Accordingly, it is hereby ORDERED that this action is DISMISSED without prejudice.
9 Fed. R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

10 Dated: March 6, 2017.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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