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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES ANTHONY SMITH,
Plaintiff,
v.
SISKIYOU COUNTY JAIL, *et al.*
Defendants.

Case No. 2:15-cv-02534-TLN-JDP (PC)
ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH LOCAL RULES
ECF No. 56
RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On September 3, 2020, defendants filed a motion to dismiss plaintiff’s second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 56. To date, plaintiff has not filed an opposition or a statement of non-opposition to the motion.

In cases where a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more than 21 days after the motion is served. E.D. Cal. L.R. to Local Rule 230(l). Failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

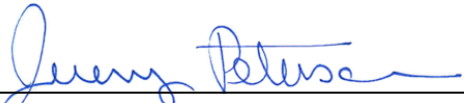
To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff’s failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41(b); Hells Canyon Pres.*

1 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439,
2 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to
3 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
4 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

5 Plaintiff will be given a chance to explain why the court should not dismiss the case for
6 his failure to prosecute and failure to comply with the court's local rules. Accordingly, plaintiff is
7 ordered to show cause within twenty-one days why this case should not be dismissed for failure
8 to prosecute and failure to comply with the local rules. Should plaintiff wish to continue with this
9 lawsuit, plaintiff shall, within twenty-one days, file an opposition or statement of opposition to
10 defendant's motion.

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12 IT IS SO ORDERED.

13 Dated: December 1, 2020


14 _____
15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE

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