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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKY CLAYBURN,
Plaintiff,
v.
EILYA MAGHADDAM, et al.,
Defendants.

No. 2:16-cv-01995 AC P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On June 7, 2017, the court found service appropriate for five of the fourteen defendants named in plaintiff’s complaint. ECF No. 6. Plaintiff was offered the choice of: (1) proceeding with his claims against the five aforementioned defendants by submitting the appropriate service documents; or (2) filing an amended complaint which addressed the problems with his other claims. Id. The former option required plaintiff to submit the required service documents within thirty days of the court’s order and the latter required him to submit an amended complaint within that same deadline. Id. More than thirty days have now passed and plaintiff has not submitted the required service documents, an amended complaint, or a motion for extension of time.

The Local Rules provide that “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . .

1 within the inherent power of the Court.” Local Rule 110. The Ninth Circuit has held that
2 “[d]istrict courts have inherent power to control their dockets” and that in “the exercise of that
3 power they may impose sanctions including, where appropriate, default or dismissal.” Thompson
4 v. Housing Authority of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). Defendants cannot be
5 served without plaintiff’s compliance and, consequently, this case cannot move forward.

6 Based on the foregoing, the court concludes that dismissal without prejudice is the most
7 appropriate sanction in this case. **Rather than recommending that this sanction be imposed**
8 **immediately, however, the court will give plaintiff a final extension of thirty days from the**
9 **date of this order’s entry to submit either the required service documents or an amended**
10 **complaint.** If plaintiff has still not complied at the end of thirty days, the court will issue a
11 recommendation that this action be dismissed.

12 IT IS SO ORDERED.

13 DATED: July 19, 2017

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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