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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSIE DEE TURNER,
Plaintiff,
v.
JERRY BROWN, et al.,
Defendants.

No. 2:17-cv-00087 AC P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On June 12, 2017, the court found that plaintiff had failed to state a cognizable federal claim and dismissed his complaint with leave to amend. ECF No. 20. Plaintiff was offered an opportunity to amend his complaint and directed to do so within thirty days. Id. The thirty-day deadline has now elapsed and plaintiff has not filed an amended complaint or sought an 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 . . . within the inherent power of the Court.” Local Rule 110. The Ninth Circuit has held that “[d]istrict courts have inherent power to control their dockets” and that in “the exercise of that power they may impose sanctions including, where appropriate, default or dismissal.” Thompson v. Housing Authority of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). This action cannot

1 proceed without an amended complaint and, accordingly, the court concludes that dismissal
2 without prejudice is the most appropriate sanction in this case.

3 Rather than ordering immediate dismissal, however, the court will afford plaintiff a final
4 thirty days from the date of this order's entry to comply with the June 12, 2017 order. At the end
5 of that time, if plaintiff has not filed an amended complaint or asserted good cause for a further
6 extension of time, the court will order the dismissal of this action.

7 IT IS SO ORDERED.

8 DATED: July 24, 2017

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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