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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JESSIE DEE TURNER,

No. 2:17-cv-00087 AC P

12 Plaintiff,

13 v.

ORDER

14 JERRY BROWN, et al.,

15 Defendants.  
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17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
18 U.S.C. § 1983. On June 12, 2017, the court dismissed his complaint on screening and granted  
19 him leave to amend within thirty days. ECF No. 20. More than thirty days passed and plaintiff  
20 did not submit an amended complaint or a motion for extension of time.

21 On July 25, 2017, the court notified plaintiff of his failure to meet his deadline and  
22 afforded him a final thirty day extension to submit an amended complaint. ECF No. 23. Plaintiff  
23 was warned that if he failed to respond within the time provided, the court would recommend that  
24 this action be dismissed for failure to prosecute. *Id.* at 2. Plaintiff has not complied with or  
25 sought an extension of time to comply with that order.

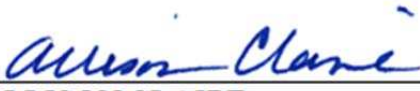
26 The Local Rules provide that “[f]ailure of counsel or of a party to comply with . . . any  
27 order of the Court may be grounds for the imposition by the Court of any and all sanctions . . .  
28 within the inherent power of the Court.” Local Rule 110. The Ninth Circuit has held that

1 “[d]istrict courts have inherent power to control their dockets” and that in “the exercise of that  
2 power they may impose sanctions including, where appropriate, default or dismissal.” Thompson  
3 v. Housing Authority of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). This case cannot  
4 proceed without plaintiff’s compliance.

5 Based on the foregoing, the court concludes that dismissal without prejudice is the most  
6 appropriate sanction in this case. Plaintiff has consented to magistrate judge jurisdiction. ECF  
7 No. 19. It is THERFORE ORDERED that:

- 8 1. This action is DISMISSED without prejudice for failure to prosecute; and
- 9 2. The Clerk of Court is directed to close this case.

10 DATED: August 31, 2017

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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