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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT ATLAS,  
  
                                Plaintiff,  
  
                    v.  
  
ROBERT FOX, et al.,  
  
                                Defendants.

No. 2:17-cv-00286 AC P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On June 20, 2017, the court dismissed plaintiff’s complaint with leave to amend within thirty days. ECF No. 5. More than thirty days have now passed and plaintiff has not filed an amended complaint or sought an extension of time to do so.

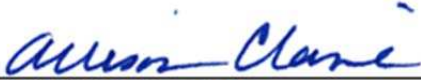
The Local Rules provide that “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. The Ninth Circuit has held that “[d]istrict courts have inherent 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 move forward without an amended complaint and, accordingly, the court concludes that dismissal without prejudice is the most appropriate sanction in this case.

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**Rather than recommending that this sanction be imposed immediately, however, the court will give plaintiff a final extension of thirty days from the date of this order's entry to file an amended complaint.** If plaintiff has still not complied at the end of thirty days, the court will dismiss this action without prejudice.

IT IS SO ORDERED.

DATED: July 28, 2017.

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE