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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH C. SISNEROS,
Plaintiff,
v.
K. MIM,
Defendant.

No. 2:17-cv-2361-TLN-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On July 17, 2018, after defendant removed this action from Sacramento County Superior Court, the court screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A. The court found the complaint to state a cognizable due process claim against defendant Mim, but dismissed all other claims with leave to amend. ECF No. 7. That order directed plaintiff to submit either: (1) an amended complaint or (2) written notice of his intent to proceed only with his due process claim against defendant Mim and warned plaintiff that failure to comply would result a recommendation that this action be dismissed for failure to prosecute. The time for acting has now passed and plaintiff has failed to file an amended complaint, indicate his intention to proceed solely again defendant Mim or otherwise respond to the court’s order.

1 A party's failure to comply with any order or with the Local Rules "may be grounds for
2 imposition by the Court of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court." E.D. Cal. Local Rule 110. The court may dismiss an action with or
4 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
5 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
6 dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended
7 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
8 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
9 regarding notice of change of address affirmed).

10 Accordingly, it is hereby RECOMMENDED that this action be DISMISSED without
11 prejudice. Fed. R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
17 objections shall be served and filed within fourteen days after service of the objections. The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
20 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 Dated: August 22, 2018.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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