

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Huntington v. Sacramento County

No. 2:24-cv-0690-JDP (P), United States District Court for the Eastern District of California (February 28, 2025)

SUMMARY

The court orders plaintiff Michael Huntington to show cause why his action against Sacramento County should not be dismissed. The order states that plaintiff failed to respond after being given thirty days to file an amended complaint or notice of voluntary dismissal, and warns that failure to respond within twenty-one days will result in a recommendation of dismissal for failure to prosecute, failure to comply with court orders, and failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	2:24-cv-0690-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	After screening plaintiff's complaint and finding that it failed to state a claim, the court ordered plaintiff to file an amended complaint or a notice of voluntary dismissal. When plaintiff failed to respond, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- sanctions
- default
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court may dismiss an action for failure to prosecute, failure to comply with a court order, or failure to comply with local rules.
2. Whether plaintiff should be required to show cause why the action should not be dismissed after failing to file an amended complaint or notice of voluntary dismissal.

HOLDINGS

1. A federal district court has inherent authority to control its docket and may impose sanctions, including dismissal, when a party fails to prosecute an action, obey a court order, or comply with applicable local rules.

KEY QUOTATIONS

“A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.” (at 1)

FACTUAL BACKGROUND

Plaintiff Michael Huntington filed a civil-rights action against Sacramento County. After screening, the court determined that the complaint did not state a claim and directed plaintiff to file an amended complaint or a notice of voluntary dismissal within thirty days. Plaintiff did not file either document or otherwise respond.

PROCEDURAL HISTORY

On January 14, 2025, the court screened the complaint and notified plaintiff that it failed to state a claim. The court gave plaintiff thirty days to file an amended complaint or notice of voluntary dismissal. Plaintiff filed no response, prompting this order to show cause and a twenty-one-day deadline to explain why the action should not be dismissed or to file an amended complaint.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

(PC) *Huntington v. Sacramento County*

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MICHAEL HUNTINGTON, Case No. 2:24-cv-0690-JDP (P) 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 SACRAMENTO COUNTY,

15 Defendant. 16

17 On January 14, 2025, I screened plaintiff's complaint and notified him that it did not state 18 a
claim. ECF No. 12. I ordered him to file, within thirty days, an amended complaint or a notice 19
of voluntary dismissal. Id. To date, plaintiff has not filed any response. 20 The court has the
inherent power to control its docket and may, in the exercise of that 21 power, impose sanctions
where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 22 216 F.3d 837, 841 (9th
Cir. 2000); see Local Rule 110 ("Failure of counsel or of a party to 23 comply with these Rules or
with any order of the Court may be grounds for imposition by the 24 Court of any and all
sanctions . . . within the inherent power of the Court."). A court may dismiss 25 an action based on
a party's failure to prosecute an action, failure to obey a court order, or failure 26 to comply with
local rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) 27 (dismissal for lack
of prosecution and failure to comply with local rules). 28 I will give plaintiff a chance to explain
why the court should not dismiss the case for his 1 | failure to file an amended complaint or
advisement of his intent to not file an amended complaint. 2 | Plaintiff's failure to respond to this
order will constitute a failure to comply with a court order and 3 | will result in a recommendation
that this action be dismissed. Accordingly, plaintiff is ordered to 4 | show cause within twenty-one
days why this case should not be dismissed for failure to 5 | prosecute, failure to comply with court
orders, and failure to state a claim. Should plaintiff wish 6 | to continue with this lawsuit, he shall
file, within twenty-one days, an amended complaint. 7 g IT IS SO ORDERED. Dated: _ February
27, 2025 qe

10 JEREMY D. PETERSON

i UNITED STATES MAGISTRATE JUDGE

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