

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Huntington v. Sacramento County

Huntington · No. 2:24-cv-0690-JDP (P) · Decided March 18, 2025

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; FINDINGS AND

RECOMMENDATIONS

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. I granted plaintiff thirty days to file an amended complaint. ECF No. 12. Plaintiff failed 19
to timely file an amended complaint or otherwise to respond to the court order. Therefore, on
20 February 28, 2025, I ordered plaintiff to show cause why this action should not be dismissed
for

21 his failure to prosecute, failure to comply with court orders, and failure to state a claim. ECF
22 No. 13. I notified plaintiff that if he wished to continue with this lawsuit, he must file an
23 amended complaint. I also warned plaintiff that failure to comply with the February 28, 2025
24 order would result in a recommendation that this action be dismissed. *Id.* The deadline for 25
plaintiff to file an amended complaint and response to the order to show cause has passed without
26 word from plaintiff. 27 The court has the inherent power to control its docket and may, in the
exercise of that 28 power, impose sanctions where appropriate, including dismissal. *Bautista v.*
Los Angeles Cnty., 1 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel
or of a party to 2 comply with these Rules or with any order of the Court may be grounds for
imposition by the 3 Court of any and all sanctions . . . within the inherent power of the Court.”). 4
A court may dismiss an action based on a party’s failure to prosecute an action, failure to 5 obey a
court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 6 (9th
Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 7
1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order to file an amended 8
complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 9

comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. 10 U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court 11 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 12 prosecution and failure to comply with local rules). 13 In recommending that this action be dismissed for failure to comply with court orders, I 14 have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 15 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 16 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” 17 *Ferdik*, 963 F.2d at 1260-61 (citation omitted). 18 Here, plaintiff has failed to respond to court orders directing him to file an amended 19 complaint. See ECF Nos. 12 & 13. Therefore, the public interest in expeditious resolution of 20 litigation, the court’s need to manage its docket, and the risk of prejudice to the defendants all 21 support imposition of the sanction of dismissal. Lastly, the court’s warning to plaintiff that 22 failure to obey court orders will result in dismissal satisfies the “considerations of the 23 alternatives” requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132-33; *Henderson*, 779 24 F.2d at 1424. The February 28, 2025 order expressly warned plaintiff that his failure to comply 25 with court orders would result in dismissal. ECF No. 13. Plaintiff had adequate warning that 26 dismissal could result from his noncompliance. Accordingly, I find that the balance of factors 27 weighs in favor of dismissal. 28 1 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this 2 | matter. 3 Further, it is hereby RECOMMENDED that: 4 1. This action be DISMISSED without prejudice for failure to prosecute, failure to 5 || comply with court orders, and failure to state a claim for the reasons set forth in the January 14, 6 | 2025 order. See ECF No. 12. 7 2. The Clerk of Court be directed to close the case. 8 These findings and recommendations are submitted to the United States District Judge 9 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 10 | service of these findings and recommendations, any party may file written objections with the 11 | court and serve a copy on all parties. Any such document should be captioned “Objections to 12 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 13 | within fourteen days of service of the objections. The parties are advised that failure to file 14 | objections within the specified time may waive the right to appeal the District Court’s order. See 15 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 16 1991). 17 18 IT IS SO ORDERED. 19 (q Sty — Dated: _ March 18, 2025 q———

20 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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