

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Miguel Enrique Diaz v. M. Osman, et al.

Miguel Enrique Diaz v. M. Osman, et al. · No. 2:23-cv-1449-DAD-JDP (P) · Decided November 13, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Miguel Enrique Diaz to show cause within fourteen days why the action should not be dismissed for failure to prosecute and failure to comply with court orders. The court also directs plaintiff to file an amended complaint within that period and warns that failure to respond will result in a recommendation of dismissal.

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	November 13, 2025
DOCKET	2:23-cv-1449-DAD-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause after plaintiff failed to file an amended complaint within the time previously ordered.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- sanctions
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the court may require plaintiff to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court orders.

2. Whether plaintiff should be given an additional fourteen days to file an amended complaint before the court recommends dismissal.

HOLDINGS

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

KEY QUOTATIONS

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)

“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

The court had previously ordered Miguel Enrique Diaz to file an amended complaint within thirty days. Diaz failed to comply with that order and did not obtain an extension based on extraordinary circumstances.

PROCEDURAL HISTORY

On June 17, 2025, the court granted plaintiff thirty days to file an amended complaint and warned that further extensions would not be granted absent extraordinary circumstances. Plaintiff did not comply, so the court ordered him to explain within fourteen days why the action should not be dismissed for failure to prosecute and failure to obey court orders.

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

Osman

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MIGUEL ENRIQUE DIAZ, Case No. 2:23-cv-1449-DAD-JDP (P) 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 M. OSMAN, et al., 15 Defendants. 16 On June 17, 2025, I granted plaintiff thirty days to file an amended complaint. ECF No. 17

44. I also notified plaintiff that I would not grant any further extensions absent extraordinary
18 circumstances. To date, plaintiff has not complied with that order. 19 The court has the inherent
power to control its docket and may, in the exercise of that 20 power, impose sanctions where
appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 21 216 F.3d 837, 841 (9th Cir.
2000); see Local Rule 110 (“Failure of counsel or of a party to 22 comply with these Rules or with
any order of the Court may be grounds for imposition by the 23 Court of any and all sanctions . . .
within the inherent power of the Court.”). A court may dismiss 24 an action based on a party’s
failure to prosecute an action, failure to obey a court order, or failure 25 to comply with local
rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) 26 (dismissal for lack of
prosecution and failure to comply with local rules). 27 I will give plaintiff a chance to explain why
the court should not dismiss the case for his 28 1 | failure to file an amended complaint. Plaintiffs
failure to respond to this order will constitute 2 | another failure to comply with a court order and
will result in a recommendation that this action 3 | be dismissed. Accordingly, plaintiff is ordered
to show cause within fourteen days why this case 4 | should not be dismissed for failure to
prosecute and failure to comply with court orders. Should 5 | plaintiff wish to continue with this
lawsuit, he shall file, within fourteen days, an amended 6 | complaint. 7 g IT IS SO ORDERED.
Dated: _ November 13, 2025 Q_—_—.

10 JEREMY D. PETERSON

i UNITED STATES MAGISTRATE JUDGE

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