

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hassaun Haygood v. Danny Chavez

Haygood · No. 1:24-cv-000239-SKO (PC) · Decided April 16, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiff Hassaun Haygood to show cause why his 42 U.S.C. § 1983 action should not be dismissed for failure to comply with the Local Rules. The order arose from Plaintiff’s failure to timely oppose, or state non-opposition to, Defendant Danny Chavez’s motion to strike or dismiss the amended complaint.

OPINION

(PC) Haygood v. Chavez
PER CURIAM.

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 HASSAUN HAYGOOD, 1:24-cv-000239-SKO (PC)
10 Plaintiff, ORDER TO SHOW CAUSE IN WRITING
WHY ACTION SHOULD NOT BE
11 v. DISMISSED FOR PLAINTIFF’S FAILURE
TO COMPLY WITH THE LOCAL RULES
12 DANNY CHAVEZ,
14-DAY DEADLINE

13 Defendant. 14

15 16 Plaintiff is a former state prisoner proceeding pro se and in forma pauperis in a civil rights
17 action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s First Amendment free
18 exercise of religion claim against Defendant Chavez.

19 I. INTRODUCTION

20 On March 6, 2025, Plaintiff filed a first amended complaint. (Doc. 33.) On March 17, 21 2025,
Defendant Chavez filed a motion to strike, or, alternatively, a motion to dismiss Plaintiff’s 22
amended complaint. (Doc. 34.) Plaintiff has failed to timely respond to Defendant’s motion.

23 II. DISCUSSION

24 The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, 25 “[f]ailure
of counsel or of a party to comply with these Rules or with any order of the Court may 26 be

grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule 27 or within the inherent power of the Court.” Local Rule 110. “District courts have inherent power 28 to control their dockets” and, in exercising that power, may impose sanctions, including dismissal 1 of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). 2 A court may dismiss an action based on a party’s failure to prosecute an action, obey a court 3 order, or comply with local rules. See, e.g., *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 4 1992) (dismissal for failure to comply with a court order to amend a complaint); *Malone v. U.S. 5 Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to comply with a court 6 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to 7 prosecute and to comply with local rules). 8 The Local Rule concerning motions in prisoner actions provides, in relevant part: 9 Opposition, if any to the granting of the motion shall be served and filed by the responding party not more than twenty-one (21) days 10 after the date of service of the motion. A responding party who has no opposition to the granting of the motion shall serve and file a 11 statement to that effect, specifically designating the motion in question. Failure of the responding party to file an opposition or to 12 file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the 13 imposition of sanctions.” 14 Local Rule 230(l). Here, Plaintiff’s opposition, or statement of non-opposition to the motion to 15 strike, or, alternatively, to dismiss, the amended complaint was due “not more than twenty-one 16 (21) days after the date of service of the motion,” or no later than April 7, 2025. Although more 17 than 21 days have passed, Plaintiff has failed to file either an opposition or a statement of non- 18 opposition to Defendant’s March 17, 2025, motion.

19 III. CONCLUSION AND ORDER

20 Accordingly, the Court ORDERS Plaintiff to show cause in writing,¹ within 14 days of 21 the date of service of this order, why this action should not be dismissed for his failure to comply 22 with the Local Rules. Alternatively, within that same time, Plaintiff may file his opposition or 23 statement of non-opposition to the motion to strike, or in the alternative, motion to dismiss. 24 25 1 The Court notes it has previously issued an OSC for Plaintiff’s previous failure to file an opposition or statement of non-opposition to a defense motion. (See Doc. 16 [issued 8/14/2024].) Plaintiff should review the First Informational 26 Order in Prisoner/Civil Detainee Civil Rights Case issued February 28, 2024, in this action. (See Doc. 2.) Plaintiff is reminded of his obligation to comply with this Court’s Local Rules and the Federal Rules of Civil Procedure. Moving 27 forward, if Plaintiff fails to meet his obligations in litigating this action, the Court may not issue an OSC and instead deem a defense motion unopposed and decide it accordingly. 28 1 Failure to comply with this order will result in a recommendation that this action be 2 dismissed for a failure to a failure to comply with the Local Rules. 3 IT IS SO ORDERED. 4 5 Dated: April 16, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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