

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Antwoine Bealer v. Warden, et al.

Bealer v. Warden · No. 2:23-cv-0284-DC-JDP (P) · Decided November 18, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered plaintiff Antwoine Bealer to show cause within fourteen days why his civil rights action against Doe defendants should not be dismissed. The order was based on plaintiff's failure to comply with a prior order requiring submission of subpoenas and payment of United States Marshal fees, resulting in the case remaining inactive.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ANTWOINE BEALER, Case No. 2:23-cv-0284-DC-JDP (P) 12 Plaintiff, 13
v. ORDER 14 WARDEN, et al., 15 Defendants. 16 17 18 Plaintiff filed this civil rights action
against two Doe defendant in February 2023. ECF 19 No. 1. Since that time, plaintiff has
attempted to learn the identities of the Doe defendants.

As 20 plaintiff is not proceeding in forma pauperis, on September 4, 2025, I ordered plaintiff to
send, 21 within thirty days, the United States Marshal (501 I Street, Suite 5600 Sacramento, CA
95814) 22 two completed subpoenas and a check for \$130.00 payable to the USM (\$65.00 for
each 23 subpoena). ECF No. 34. Plaintiff has not responded to the September 4 order, and this
case has 24 remained inactive.

25 The court has the inherent power to control its docket and may, in the exercise of that 26
power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 27
216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party to 28 1 |
comply with these Rules or with any order of the Court may be grounds for imposition by the 2 |
Court of any and all sanctions... within the inherent power of the Court.”).

A court may dismiss 3 | an action based on a party’s failure to prosecute an action, failure to obey
a court order, or failure 4 | comply with local rules. See *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) 5 | (dismissal for lack of prosecution and failure to comply with local rules).
6 Accordingly, it is hereby ORDERED that plaintiff show cause within fourteen days of the 7 |
date of this order why this action should not be dismissed for failure to prosecute.

8 9 IT IS SO ORDERED. Dated: _ November 18, 2025 Q_—. 11 JEREMY D. PETERSON Db
UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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