

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

OPINION

Warden

PER CURIAM.

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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

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