

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

Tanner v. Southern Glazer's Wine and Spirits, LLC

Tanner · No. 2:24-cv-03664-DJC-CSK · Decided August 8, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ROBERT TANNER, Case No. 2:24-cv-03664-DJC-CSK 12 Plaintiff, 13 v.
ORDER TO SHOW CAUSE 14 SOUTHERN GLAZER'S WINE AND SPIRITS, LLC, 15
Defendant. 16 17 Plaintiff Robert Tanner is proceeding in this action pro se.¹ On May 21, 2025,
the 18 Court issued Findings and Recommendations recommending Plaintiff's motion to 19
remand be denied, Defendant Southern Glazer's Wine and Spirits, LLC's motion to 20 dismiss be
granted, and Plaintiff be granted leave to amend his complaint.

5/21/2025 21 Findings and Recommendations (ECF No. 22). On June 25, 2025, the district court
22 adopted the May 21, 2025 Findings and Recommendations in full, denied Plaintiff's 23 motion
to remand, granted Defendant's motion to dismiss with leave to amend, and 24 granted Plaintiff 30
days to file an amended complaint. 6/25/2025 Order (ECF No. 23). 25 To date, Plaintiff has not
filed an amended complaint.

See Docket. 26 / / / 27 1 This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636,
Fed. R. 28 Civ. P. 72, and Local Rule 302(c)(21). 1 A district court may impose sanctions,
including involuntary dismissal of a 2 | plaintiff's case pursuant to Federal Rule of Civil Procedure
41(b), where the plaintiff fails 3 || to prosecute his or her case or fails to comply with the court's
orders, the Federal Rules 4 | of Civil Procedure, or the court's local rules.

See *Chambers v. NASCO, Inc.*, 501 U.S. 5 | 32, 44 (1991) (recognizing that a court “may act sua
sponte to dismiss a suit for failure to 6 || prosecute”); *Hells Canyon Preservation Council v. U.S.*
Forest Serv., 403 F.3d 683, 689 7 | (9th Cir. 2005) (approving sua sponte dismissals under Rule
41(b)); *Ferdik v. Bonzelet*, 8 | 963 F.2d 1258, 1260 (9th Cir. 1992), as amended (9th Cir.

1992) (“Pursuant to Federal 9 | Rule of Civil Procedure 41(b), the district court may dismiss an
action for failure to 10 | comply with any order of the court.”). This Court's Local Rules are in
accord. See E.D. 11 | Cal. Local Rule 110 (“Failure of counsel or of a party to comply with these
Rules or with 12 | any order of the Court may be grounds for imposition by the Court of any and
all 13 | sanctions authorized by statute or Rule or within the inherent power of the Court.”); E.D.

14 | Cal. Local Rule 183(a) (providing that a pro se party's failure to comply with the Federal 15 ||
Rules of Civil Procedure, the court's Local Rules, and other applicable law may support, 16 |

among other things, dismissal of that party's action). 17 The Court has considered whether this action should be dismissed at this juncture 18 | due to Plaintiffs' failure to file an amended complaint as ordered by the Court.

19 || Nevertheless, in light of Plaintiff's pro se status, the Court first attempts lesser sanctions 20 | by issuing this order to show cause. Plaintiff has twenty-one (21) days to respond to this 21 || order to show cause and file an amended complaint in compliance with the Court's May 22 | 21, 2025 Findings and Recommendations. Plaintiff is cautioned that failure to respond to 23 | this order will result in a recommendation to dismiss this action for failure to prosecute.

24 | Dated: 08/07/25 C iy s \U 25 CHI SOO KIM 26 UNITED STATES MAGISTRATE JUDGE
27 28 || 4, tann3664.24