

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jackson v. Hill

No. 2:24-cv-3180-JDP (P), Order to Show Cause (E.D. Cal. May 6, 2025) · No. 2:24-cv-3180-JDP (P) · Decided
May 6, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered plaintiff Tommie Lee Jackson to show cause why his action should not be dismissed for failure to prosecute and failure to comply with court orders. The court directed him to file an amended complaint and respond within twenty-one days, warning that failure to do so would 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	May 6, 2025
DOCKET	2:24-cv-3180-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	The court previously granted plaintiff leave to amend his complaint and ordered him to file an amended complaint within thirty days. After plaintiff failed to respond or file the amended complaint, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tommie Lee Jackson v. Rick Hill, et al.

TOPICS

- sanctions
- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court may dismiss an action, or recommend dismissal, based on a party's failure to prosecute, failure to obey a court order, or failure to comply with local rules.
2. Whether plaintiff should be required to show cause why the action should not be dismissed after failing to file the court-ordered amended complaint.

HOLDINGS

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

KEY QUOTATIONS

“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)

“I will give plaintiff a chance to explain why the court should not dismiss the case for his failure to file an amended complaint.” (at 1)

FACTUAL BACKGROUND

The court had granted Tommie Lee Jackson's motion to amend his complaint and ordered him to file an amended complaint within thirty days. Jackson had not filed the amended complaint or any other response by the date of the order to show cause.

PROCEDURAL HISTORY

On March 6, 2025, the court granted plaintiff's motion to amend and ordered an amended complaint within thirty days. Plaintiff did not file an amended complaint or otherwise respond. The court ordered plaintiff to show cause within twenty-one days why the action should not be dismissed and directed him to file an amended complaint if he wished to continue the lawsuit.

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

(PC) Jackson v. Hill

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TOMMIE LEE JACKSON, Case No. 2:24-cv-3180-JDP (P) 12 Plaintiff,
13 v. ORDER TO SHOW CAUSE

14 RICK HILL, et al., 15 Defendants. 16 17 On March 6, 2025, I granted plaintiff’s motion to
amend his complaint and ordered him to 18 file an amended complaint within thirty days. ECF
No. 6. To date, plaintiff has not filed any 19 response. 20 The court has the inherent power to
control its docket and may, in the exercise of that 21 power, impose sanctions where appropriate,
including dismissal. *Bautista v. Los Angeles Cnty.*, 22 216 F.3d 837, 841 (9th Cir. 2000); see Local
Rule 110 (“Failure of counsel or of a party to 23 comply with these Rules or with any order of the
Court may be grounds for imposition by the 24 Court of any and all sanctions . . . within the
inherent power of the Court.”). A court may dismiss 25 an action based on a party’s failure to
prosecute an action, failure to obey a court order, or failure 26 to comply with local rules. See
Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) 27 (dismissal for lack of prosecution
and failure to comply with local rules). 28 I will give plaintiff a chance to explain why the court
should not dismiss the case for his 1 | failure to file an amended complaint. Plaintiffs failure to
respond to this order will constitute a 2 | failure to comply with a court order and will result in a
recommendation that this action be 3 | dismissed. Accordingly, plaintiff is ordered to show cause
within twenty-one 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 twenty-one days, an amended 6 | complaint. 7 g IT IS SO ORDERED. Dated: _ May 6,
2025 q——

10 JEREMY D. PETERSON

i UNITED STATES MAGISTRATE JUDGE

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