

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Meghan Cole v. Shanndah Burkholder

Cole v. Burkholder · No. 2:24-cv-0792-DC-JDP (PS) · Decided November 19, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Meghan Cole to show cause why her case should not be dismissed. The order states that plaintiff apparently failed to submit service documents to the U.S. Marshal as previously directed and warns that failure to respond within fourteen days will result in a recommendation of dismissal for failure to prosecute and failure to comply with court orders.

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	November 19, 2025
DOCKET	2:24-cv-0792-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Order to show cause issued in a civil action after plaintiff apparently failed to submit service-of-process documents to the United States Marshal as previously ordered.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- sanctions
- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright

QUESTIONS PRESENTED

1. Whether the court should require plaintiff to show cause why the action should not be dismissed for failure to prosecute and failure to comply with a court order.

2. Whether the court possesses inherent authority to impose sanctions, including dismissal, for failure to prosecute or obey court orders.

HOLDINGS

1. The court may exercise its inherent power to control its docket and impose appropriate sanctions, including dismissal, when a party fails to prosecute an action, obey a court order, or comply with applicable local rules.
2. Plaintiff must show cause within fourteen days why the action should not be dismissed for failure to prosecute and failure to comply with court orders.

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)

“Accordingly, plaintiff is ordered to show cause within fourteen days why this case should not be dismissed for failure to prosecute and failure to comply with court orders.” (at 1)

FACTUAL BACKGROUND

The court had granted Meghan Cole in forma pauperis status and directed her to provide service documents to the United States Marshal within sixty days. The docket showed no indication that Cole had submitted the required documents or filed the required declaration.

PROCEDURAL HISTORY

On February 28, 2025, the court granted plaintiff leave to proceed in forma pauperis and ordered her to submit documents for service of process to the United States Marshal within sixty days, along with a declaration stating when she submitted them. The docket contained no indication that plaintiff complied, so the court ordered plaintiff to show cause within fourteen days why the action should not be dismissed for failure to prosecute and failure to comply with court orders.

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

(PS)Cole

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MEGHAN COLE, Case No. 2:24-cv-0792-DC-JDP (PS) 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 SHANNDAH BURKHOLDER,

15 Defendant. 16

17 On February 28, 2025, the court granted plaintiff's application to proceed in forma 18 pauperis and ordered her to submit documents for service of process to the United States Marshal 19 within sixty days. ECF No. 4. The court also ordered plaintiff to file declaration stating the date 20 on which she submitted the required documents to the U.S. Marshal. Id. Despite the February 28 21 order, there is no indication from the docket that plaintiff submitted documents for service to the 22 U.S. Marshal. 23 The court has the inherent power to control its docket and may, in the exercise of that 24 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 25 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 ("Failure of counsel or of a party to 26 comply with these Rules or with any order of the Court may be grounds for imposition by the 27 Court of any and all sanctions . . . within the inherent power of the Court."). A court may dismiss 28 an action based on a party's failure to prosecute an action, failure to obey a court order, or failure 1 | to comply with local rules. See *Henderson vy. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) 2 | (dismissal for lack of prosecution and failure to comply with local rules). 3 I will give plaintiff a chance to explain why the court should not dismiss the case for 4 | failure to comply with the February 28, 2025 order. Plaintiffs failure to respond to this order will 5 | constitute another failure to comply with a court order and will result in a recommendation that 6 | this action be dismissed. Accordingly, plaintiff is ordered to show cause within fourteen days 7 | why this case should not be dismissed for failure to prosecute and failure to comply with court 8 | orders. ? | IT IS SO ORDERED.

JEREMY D. PETERSON

12 UNITED STATES MAGISTRATE JUDGE

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