

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

Benito Julian Luna v. B. Philips

Luna v. Philips · No. 2:24-cv-1686-JDP (P) · Decided March 24, 2025

OPINION

(HC) Luna v. Phillips

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BENITO JULIAN LUNA, Case No. 2:24-cv-1686-JDP (P) 12 Petitioner,

13 v. ORDER TO SHOW CAUSE

14 B. PHILIPS,

15 Respondent. 16

17 On November 20, 2024, the court notified petitioner that his petition failed to state a 18 claim.
ECF No. 6. The court granted petitioner thirty days to file an amended petition. Id. 19 Petitioner
then requested a sixty-day extension of time to file an amended petition, which the 20 court
granted on January 6, 2025. ECF No. 8. That deadline has since passed, and petitioner has 21 not
filed an amended petition or otherwise responded. 22 To manage its docket effectively, the court
imposes deadlines and requires litigants to 23 meet those deadlines. The court may dismiss a case
based on petitioner’s failure to prosecute or 24 failure to comply with its orders or local rules. See
Fed. R. Civ. P. 41; Hells Canyon Pres. 25 Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir.
2005) (“[T]he consensus among our 26 sister circuits, with which we agree, is that courts may
dismiss under Rule 41(b) sua sponte, at 27 least under certain circumstances.”). Involuntary
dismissal is a harsh penalty, but the court has a 28 duty to administer justice expeditiously and
avoid needless burden for the parties. See 1 | Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir.
2002); Fed. R. Civ. P. 1. 2 Petitioner will be given a final opportunity to explain why the court
should not dismiss his 3 | case for failure to file an amended petition. Petitioner’s failure to
respond to this order will 4 | constitute a failure to comply with a court order and will result in
dismissal of this case. 5 | Accordingly, petitioner must show cause within twenty-one days of the
date of entry of this order 6 | why the court should not dismiss his case for failure to state a claim,
failure to prosecute, and 7 | failure to comply with a court order. Should petitioner wish to
continue with this lawsuit, he shall 8 | also file, within twenty-one days, an amended petition for
writ of habeas corpus. 9 10 IT IS SO ORDERED. (ie - Dated: _ March 21, 2025 q———

12 JEREMY D. PETERSON

B UNITED STATES MAGISTRATE JUDGE
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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