

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jones v. Quiring

Jones · No. 2:24-cv-1933-JDP (P) · Decided April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Rayon Jones to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court orders. The court gives plaintiff twenty-one days to file an amended complaint, a notice of voluntary dismissal, or an explanation for his failure to respond.

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	April 22, 2025
DOCKET	2:24-cv-1933-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	After screening the complaint, the court ordered plaintiff to file an amended complaint or a notice stating that he wished to proceed with certain claims. When plaintiff failed to respond, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

- sanctions
- civil procedure
- section 1983
- pleadings

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

- Whether the court may issue an order to show cause and potentially recommend dismissal when a plaintiff fails to prosecute the action and fails to comply with a court order.

HOLDINGS

- 1. A court may dismiss an action, or recommend dismissal, when a party fails to prosecute, fails to obey a court order, or fails to comply with applicable local rules.

KEY QUOTATIONS

- “The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)
- “Plaintiff’s failure to respond to this order will constitute a failure to comply with a court order and will result in a recommendation that this action be dismissed.” (at 1)

FACTUAL BACKGROUND

The court had previously screened Rayon Jones’s prisoner civil-rights complaint and determined that the claims could not all proceed together. Jones was ordered to file an amended complaint or a notice regarding which claims he wished to pursue, but he did not respond within the ordered thirty-day period.

PROCEDURAL HISTORY

On March 3, 2025, the court screened plaintiff’s complaint and determined that all claims could not proceed together. The court ordered plaintiff to file an amended complaint or a notice to proceed with certain claims within thirty days. Plaintiff filed no response, prompting this order to show cause and warning that failure to respond would result in a recommendation of dismissal.

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RAYON JONES, Case No. 2:24-cv-1933-JDP (P) 12 Plaintiff, 13 v. ORDER
TO SHOW CAUSE 14 J. QUIRING, et al., 15 Defendants. 16 17 On March 3, 2025, I screened
plaintiff’s complaint and notified him that all the claims 18 could not proceed together. ECF No.
13. I ordered him to file, within thirty days, an amended 19 complaint or a notice to proceed with
certain claims.

Id. To date, plaintiff has not filed any 20 response. 21 The court has the inherent power to control
its docket and may, in the exercise of that 22 power, impose sanctions where appropriate,
including dismissal. Bautista v. Los Angeles Cnty., 23 216 F.3d 837, 841 (9th Cir. 2000); see Local

Rule 110 (“Failure of counsel or of a party to 24 comply with these Rules or with any order of the Court may be grounds for imposition by the 25 Court of any and all sanctions... within the inherent power of the Court.”).

A court may dismiss 26 an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure 27 to comply with local rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) 28 (dismissal for lack of prosecution and failure to comply with local rules).
1 I will give plaintiff a chance to explain why the court should not dismiss the case for his 2 | failure to file an amended complaint or notice of voluntary dismissal of this action.

Plaintiff's 3 | failure to respond to this order will constitute a failure to comply with a court order and will result 4 | in arecommendation that this action be dismissed. Accordingly, plaintiff is ordered to show 5 || cause within twenty-one days why this case should not be dismissed for failure to prosecute and 6 | failure to comply with court orders. Should plaintiff wish to continue with this lawsuit, he shall 7 | file, within twenty-one days, an amended complaint or notice of voluntary dismissal of this 8 || action.

9 10 IT IS SO ORDERED. 11 (4 ie — Dated: _ April 21, 2025 q_———. 12 JEREMY D. PETERSON 3 UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28