

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Pickett v. Pierce

Pickett · No. 2:24-cv-3182-JDP (P) · Decided August 18, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Norman Charles Pickett to show cause why his action should not be dismissed. The order states that he failed to file an amended complaint by the extended deadline and warns that failure to respond within twenty-one days will result in a recommendation of dismissal for failure to prosecute, failure to comply with court orders, and failure to state a claim.

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	August 18, 2025
DOCKET	2:24-cv-3182-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	After screening the complaint and finding that it failed to state a claim, the court ordered plaintiff to file an amended complaint or a voluntary dismissal. When the extended deadline passed without a filing, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	Unknown
PARTIES	Norman Charles Pickett v. Juleigh Pierce, et al.

TOPICS

- sanctions
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court may issue an order to show cause and potentially dismiss an action when the plaintiff fails to prosecute, fails to obey a court order, and fails to comply with local rules.
2. Whether plaintiff should be required to explain why the action should not be dismissed after failing to file an amended complaint by the court-ordered deadline.

HOLDINGS

1. A district 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

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (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.” (2)

FACTUAL BACKGROUND

The court had previously screened Norman Charles Pickett’s complaint and determined that it did not state a claim. Plaintiff was ordered to submit an amended complaint or voluntarily dismiss the action, and the court later extended the deadline for amendment to July 9, 2025. Plaintiff did not file an amended complaint or otherwise communicate with the court by the deadline.

PROCEDURAL HISTORY

On May 22, 2025, the court screened plaintiff’s complaint and notified him that it failed to state a claim. The court ordered plaintiff to file an amended complaint or voluntary notice of dismissal within thirty days, later extending the deadline to July 9, 2025. Plaintiff did not respond or file an amended complaint, so the court ordered him to show cause within twenty-one days why the action should not be dismissed.

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) *Pickett v. Pierce*

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 NORMAN CHARLES PICKETT, Case No. 2:24-cv-3182-JDP (P) 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 JULEIGH PIERCE, et al., 15 Defendants. 16 17 On May 22, 2025, I screened plaintiff's
complaint and notified him that it did not state a 18 claim. ECF No. 13. I ordered him to file,
within thirty days, either an amended complaint or a 19 voluntary notice of dismissal. Id. I
subsequently granted plaintiff's request file his amended 20 complaint by July 9, 2025. ECF No.
16. The deadline has passed without word from plaintiff. 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. Plaintiff's failure to
respond to this order will constitute a 3 | failure to comply with a court order and will result in a
recommendation that this action be 4 | dismissed. Accordingly, plaintiff is ordered to show cause
within twenty-one days why this case 5 | should not be dismissed for failure to prosecute, failure to
comply with court orders, and failure to 6 | state a claim. Should plaintiff wish to continue with this
lawsuit, he shall file, within twenty-one 7 | days, an amended complaint. 8 9 IT IS SO ORDERED.

10 (1 ow — Dated: _ August 18, 2025 q——

11 JEREMY D. PETERSON

10 UNITED STATES MAGISTRATE JUDGE

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