UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DARYL ANTHONY HICKS,

Plaintiff,

v.

GOSAI, *et al.*,

Defendants.

Case No. 2:20-cv-02303-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE AND FAILURE TO COMPLY WITH COURT ORDERS

RESPONSE DUE WITHIN TWENTY-ONE DAYS

On January 22, 2021, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1918A. Plaintiff was notified that it contained unrelated claims that could not proceed in a single lawsuit, and he was granted sixty days to either file an amended complaint or notify the court that he wished to stand by his complaint.[1] ECF No. 7. To date, plaintiff has not filed an amended complaint, nor has he notified the court that he wishes to stand by his original complaint.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute

[1] Plaintiff was notified that if he elected to stand by the original complaint, some defendants could be dismissed so that the suit could proceed. ECF No. 7 at 3; *see* Fed. R. Civ. P. 21 (prohibiting dismissal of a suit for misjoinder of parties).

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or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

Plaintiff will be given a chance to explain why the court should not dismiss the case for his failure to either file an amended complaint or notify the court the he wishes to stand by the original complaint. Plaintiff's failure to respond to this order will constitute another failure to comply with a court order and will result in a recommendation that this action be dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with court orders. Should plaintiff wish to continue with this lawsuit, he shall, within twenty-one days, either file an amended complaint or notify the court that he wishes to stand by the original compliant.

IT IS SO ORDERED.

Dated: April 23, 2021

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE