

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals  
For the First Circuit**

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No. 96-2262

OTOKI GROUP, INC.,  
Plaintiff, Appellant,

v.

GIBRALTAR, P.R., INC., ET AL.,  
Defendants, Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

[Hon. Daniel R. Domínguez, U.S. District Judge]

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Before

Torruella, Circuit Judge,  
Bownes, Senior Circuit Judge,  
and Lipez, Circuit Judge.

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Jose R. Garcia Perez, Esq. and Bufete Bennazar, C.S.P. on  
brief for appellant.

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July 23, 2001

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Per Curiam. Otoki Group, Inc. ("Otoki") appeals from the district court's order dismissing its complaint for failure to comply with a court order. Otoki argues on appeal that the district court erred in not remanding its case to the Commonwealth court in Puerto Rico, because the court lacked subject-matter jurisdiction over its case. Otoki further argues that the district court abused its discretion in dismissing the complaint.

A district court has inherent authority to manage its docket and may impose sanctions when it finds that its process has been abused even in the absence of subject matter jurisdiction. Cf. Unanue-Casal v. Unanue-Casal, 898 F.2d 839, 841 (1<sup>st</sup> Cir. 1990) (imposing Fed.R.Civ.P. 11 sanctions after dismissing a petition for removal to federal court). Thus, we decline to decide whether the district court had subject-matter jurisdiction, because, in the present circumstances where appellant has not shown that filing a new action in Commonwealth court is barred by the statute of limitations, see 31 P.R. Laws Ann. § 5303, we conclude that the district court did not abuse its discretion in dismissing Otoki's complaint without prejudice as a sanction for Otoki's failure to comply with the district court's order that Otoki file a status report. See John's Insulation, Inc. v. L. Addison and Associates, Inc., 156 F.3d 101, 108 (1<sup>st</sup> Cir. 1998). Accordingly, appellant's motion requesting adjudication on its

brief without oral argument, pursuant to Fed.R.App.P. 34(f) is granted and the judgment of the district court is affirmed.