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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

TONY BURWELL,	)	Case No. CV 08-3560-CAS (MLG)
	)	
Plaintiff,	)	MEMORANDUM OPINION AND ORDER
	)	DISMISSING COMPLAINT FOR FAILURE
v.	)	TO PROSECUTE
	)	
J. MARRON,	)	
	)	
Defendant.	)	
	)	

This is a *pro se* civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is currently incarcerated at the Los Angeles County Jail in Castaic, California. He filed this *pro se* civil rights action on June 4, 2008. On June 10, 2008, the Court dismissed the complaint with leave to amend. On June 20, 2008, Plaintiff filed a first amended complaint naming Parole Officer J. Marron as the sole defendant. Plaintiff alleges that Marron violated his rights by failing to hold a timely parole revocation hearing.

On June 24, 2008, the Court directed that the United States Marshal effect service upon Marron. On the same date, copies of the

1 complaint and summons were sent to Plaintiff in order for him to  
2 complete the necessary paperwork and forward the packet to the United  
3 States Marshal for service. Plaintiff never forwarded the documents  
4 to the Marshal's service for processing or service.

5 This action shall be dismissed for failure to prosecute. The  
6 Court has the inherent power to achieve the orderly and expeditious  
7 disposition of cases by dismissing actions for failure to prosecute.  
8 *Link v. Wabash R.R.*, 370 U.S. 626, 629-30 (1962); *Ferdik v. Bonzelet*,  
9 963 F.2d 1258, 1260-61 (9<sup>th</sup> Cir. 1992). The Court is required to weigh  
10 the following factors in determining whether to dismiss a case for  
11 lack of prosecution: "(1) the public's interest in expeditious  
12 resolution of litigation; (2) the court's need to manage its docket;  
13 (3) the risk of prejudice to the defendants; (4) the public policy  
14 favoring disposition of cases on their merits; and (5) the  
15 availability of less drastic sanctions." *Ferdik*, 963 F.2d at 1260,  
16 1261; *In re Eisen*, 31 F.3d 1447, 1451 (9<sup>th</sup> Cir. 1994) (citing  
17 *Henderson*, 779 F.2d at 1423); see also *In re PPA Products Liability*  
18 *Litigation*, 460 F.3d 1217, 1226 (9<sup>th</sup> Cir. 2006); *Pagtalunan v. Galaza*,  
19 291 F.3d 639, 642 (9<sup>th</sup> Cir. 2002).

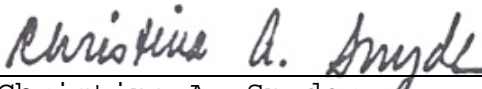
20 Here, the public's interest in the expeditious resolution of  
21 litigation and the court's interest in managing its docket weighs in  
22 favor of dismissal. Given Plaintiff's failure to comply with the  
23 court's order, dismissal would not undermine the public policy  
24 favoring disposition of cases on the merits. In addition, there is  
25 no identifiable risk of prejudice to Defendants. Finally, four months  
26 have elapsed without Plaintiff having forwarded the necessary papers  
27 for service of process. He has failed to request an extension of time  
28 to forward the documents or demonstrate good cause for failing to

1 perform this ministerial act.

2 Balancing all of these factors, dismissal of this action without  
3 prejudice for failure to prosecute is warranted.

4 IT IS SO ORDERED.

5  
6 Dated: November 6, 2008

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9 Christina A. Snyder  
10 United States District Judge

11 Presented By:

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14 Marc L. Goldman  
15 United States Magistrate Judge

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