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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Corey Darnell Edwards,  
10 Plaintiff,  
11 v.  
12 Mesa Municipal Court, et al.,  
13 Defendants.  
14

No. CV-14-01676-PHX-DGC

**ORDER**

15 Plaintiff filed a pro se complaint against Defendants in Maricopa County Superior  
16 Court, and Defendants removed the case to this Court. Doc. 1 On July 31, 2014,  
17 Defendants Mesa Municipal Court and the Mesa Police Department (“Mesa Defendants”)  
18 filed a motion for a more definite statement. Doc. 4. On August 1, 2014, Defendant  
19 Maricopa County Sheriff’s Office (“MCSO”) filed a motion to dismiss. Doc. 5.

20 Plaintiff failed to respond to the motions within the time limit set by the rules of  
21 procedure. *See* LRCiv 7.2(c); Fed. R. Civ. P. 6(d). The Court issued an order giving  
22 Plaintiff until September 29, 2014 to file responses. Doc. 6. The Court warned Plaintiff  
23 that failure to comply with the order would result in the Court summarily granting the  
24 motions. Plaintiff filed a response to the Mesa Defendants’ motion for more definite  
25 statement (Doc. 7), but he did not respond to MCSO’s motion to dismiss. Plaintiff did  
26 file two “motions for judgment.” Docs. 9, 10.

27 The Court entered an order on November 18, 2014, granting the Mesa Defendants’  
28 motion for a more definite statement, granting MCSO’s motion to dismiss, denying

1 Plaintiff's motions for judgment, and ordering Plaintiff to file an amended complaint by  
2 December 22, 2014. Doc. 12. Plaintiff was warned "that if he fails to file an amended  
3 complaint by December 22, 2014, the case will be dismissed." *Id.* at 6. Plaintiff was also  
4 given guidance regarding the content of his amended complaint. *Id.* at 4-6.

5 Plaintiff has failed to comply with the Court's order. More than six weeks have  
6 passed since the Court's deadline, and no amended complaint has been filed. Plaintiff  
7 has filed another motion, apparently directed to MCSO, "for more Details." Doc. 14.

8 Before dismissing a case for failure to prosecute or failure to comply with an  
9 order, the Court must weigh five factors: (1) the public's interest in expeditious resolution  
10 of litigation, (2) the Court's need to manage its docket, (3) the risk of prejudice to the  
11 defendants, (4) the public policy favoring disposition of cases on their merits, and (5) the  
12 availability of less drastic sanctions. *See Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.  
13 1995).

14 The first three factors favor dismissal. Plaintiff filed this suit more than six  
15 months ago. Doc. 1. He failed to respond to motions filed by Defendants, was ordered to  
16 respond by the Court, and yet still failed to respond to one of the motions. Plaintiff was  
17 ordered to file an amended complaint on or before December 22, 2014, and was warned  
18 that his case would be dismissed if he failed to do so. Doc. 12. Plaintiff has not  
19 complied. The Court cannot be in the business of repeatedly having to prompt a litigant  
20 to follow court orders or the local rules. Because the Court and the public have a strong  
21 interest in judicial efficiency and the prompt resolution of cases, Plaintiff's failure to  
22 prosecute weighs in favor of dismissal. His failure also risks prejudice to Defendants.  
23 They have been forced to incur expenses and defend themselves in this case, and are  
24 prejudiced by Plaintiff's failure to prosecute the case in a timely and efficient manner.

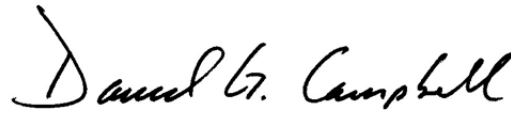
25 The fourth factor, as always, weighs against dismissal. As for the fifth factor, the  
26 Court concludes that a dismissal with prejudice would be unduly harsh for this pro se  
27 litigant. Dismissal without prejudice is an appropriate alternative sanction. Because  
28 Plaintiff has twice failed to comply with Court orders and has failed to file an amended

1 complaint after being directly warned that his case would be dismissed, the Court will  
2 dismiss this action without prejudice.

3 **IT IS ORDERED:**

- 4 1. This action is **dismissed** without prejudice.  
5 2. The Clerk is directed enter judgment accordingly and terminate this action.

6 Dated this 28th day of January, 2015.  
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11 David G. Campbell  
12 United States District Judge  
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