

1 following factors: (1) the public’s interest in expeditious resolution of litigation; (2)
2 the court’s need to manage its docket; (3) the risk of prejudice to
3 defendants/respondents; (4) the availability of less drastic alternatives; and (5) the
4 public policy favoring disposition of cases on their merits.”); *Yourish v. Cal.*
5 *Amplifier*, 191 F.3d 983, 989–92 (9th Cir. 1999) (explaining the factors supporting
6 dismissal with prejudice for failure to prosecute).

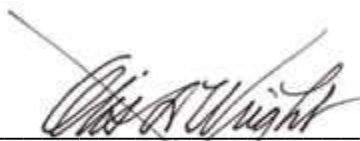
7 Not only is Robinson’s stipulation to extend time an improper response to the
8 Order to Show Cause, the stipulation was improperly filed. Logic dictates that a Rule
9 8-3 stipulation must be filed *prior* to the initial deadline to answer a complaint, not
10 after. The Court concludes that the *Pagtalunan* factors weigh in favor of dismissal of
11 this action. Robinson’s failure to engage in the litigation she initiated hampers
12 expeditious resolution of litigation and inhibits the Court’s ability to manage its
13 docket. *Yourish*, 191 F.3d at 990 (“The public’s interest in expeditious resolution of
14 litigation always favors dismissal.”). The Court also reasons that if Robinson is
15 serious about prosecuting this case, she could simply refile it upon dismissal, thereby
16 minimizing any prejudice against her.

17 Accordingly, the action is **DISMISSED WITHOUT PREJUDICE** for failure
18 to prosecute and failure to comply with court rules and orders.

19 **IT IS SO ORDERED.**

20 August 14, 2013

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OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE