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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KAMAU A. DAVIS,	)	Case No. CV 15-0313-JGB (JPR)
	)	
Plaintiff,	)	
	)	ORDER DISMISSING PLAINTIFF'S
vs.	)	COMPLAINT FOR FAILURE TO
	)	PROSECUTE AND FOR THE REASONS
COUNTY OF LOS ANGELES et	)	STATED IN THE MAGISTRATE JUDGE'S
al.,	)	MARCH 24, 2015 ORDER
	)	
Defendants.	)	

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Plaintiff, apparently a pretrial detainee at Men's Central Jail in Los Angeles, filed pro se a civil rights action on January 15, 2015, and paid the full filing fee. On March 24, 2015, the Magistrate Judge dismissed the Complaint with leave to amend because it suffered from numerous deficiencies. She expressly warned Plaintiff that if he failed to timely file a sufficient amended complaint by April 21, 2015, his lawsuit would be subject to dismissal for the reasons stated in the Order and for failure to prosecute. To date, Plaintiff has not filed an amended complaint.

Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (per curiam), examined when it is appropriate to dismiss a plaintiff's lawsuit for failure to prosecute. See also Link v. Wabash R.R.

1 Co., 370 U.S. 626, 629-30 (1962) ("The power to invoke  
2 [dismissal] is necessary in order to prevent undue delays in the  
3 disposition of pending cases and to avoid congestion in the  
4 calendars of the District Courts.").

5 In determining whether to dismiss a pro se plaintiff's  
6 action for failure to prosecute, a court must consider "(1) the  
7 public's interest in expeditious resolution of litigation; (2)  
8 the court's need to manage its docket; (3) the risk of prejudice  
9 to the defendants; (4) the public policy favoring disposition of  
10 cases on their merits[;] and (5) the availability of less drastic  
11 sanctions." Carey, 856 F.2d at 1440 (internal quotation marks  
12 omitted). Unreasonable delay creates a rebuttable presumption of  
13 prejudice to the defendants that can be overcome only with an  
14 affirmative showing of just cause by the plaintiff. See In re  
15 Eisen, 31 F.3d 1447, 1452-53 (9th Cir. 1994).

16 Here, the first, second, third, and fifth Carey factors  
17 militate in favor of dismissal. In particular, Plaintiff has  
18 offered no explanation for his failure to file an amended  
19 complaint. Thus, he has not rebutted the presumption of  
20 prejudice to Defendants. No less drastic sanction is available,  
21 as Plaintiff has ceased communicating with the Court, and the  
22 Court is therefore unable to manage its docket. Although the  
23 fourth Carey factor weighs against dismissal – as it always does  
24 – together the other factors outweigh the public's interest in  
25 disposing of the case on its merits. See Ferdik v. Bonzelet, 963  
26 F.2d 1258, 1261-62 (9th Cir. 1992) (upholding dismissal of pro se  
27 civil-rights action for failure to timely file amended complaint  
28 remedying deficiencies in caption); Baskett v. Quinn, 225 F.

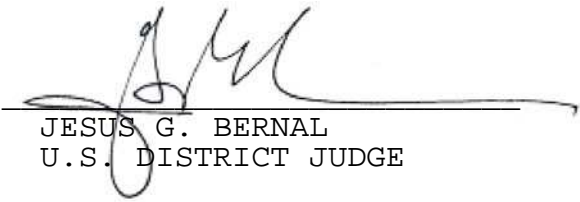
1 App'x 639, 640 (9th Cir. 2007) (upholding dismissal of pro se  
2 civil-rights action for failure to state claim or timely file  
3 amended complaint).

4 **ORDER**


5 Accordingly, this action is dismissed (1) under the Court's  
6 inherent power to achieve the orderly and expeditious disposition  
7 of cases by dismissing actions for failure to prosecute and (2)  
8 for the reasons outlined in the Magistrate Judge's March 24, 2015  
9 Order.

10 LET JUDGMENT BE ENTERED ACCORDINGLY.

11  
12 DATED: May 26, 2015

13   
14 JESUS G. BERNAL  
15 U.S. DISTRICT JUDGE

16 Presented by:

17   
18 Jean P. Rosenbluth  
19 U.S. Magistrate Judge  
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