

1 calendars); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) (district court may dismiss
2 action for failure to comply with any court order). Dismissal, however, is a severe penalty and
3 should be imposed only after consideration of the relevant factors in favor of and against this
4 extreme remedy. Thompson v. Housing Auth. of Los Angeles, 782 F.2d 829, 831 (9th Cir.1986).
5 These factors include: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s
6 need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability
7 of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.”
8 Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002) (citing Ferdik, 963 F.2d at 1260-61); see
9 Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 891 (9th Cir. 2019) (“By its plain text,
10 a Rule 41(b) dismissal . . . requires ‘a court order’ with which an offending plaintiff failed to
11 comply.”). “Although it is preferred, it is not required that the district court make explicit findings
12 in order to show that it has considered these factors and [the Ninth Circuit] may review the record
13 independently to determine if the district court has abused its discretion.” Ferdik, 963 F.2d at
14 1261.

15 Having considered the Pagtalunan factors, the court is persuaded that this action should
16 be dismissed for failure to comply with a court order and failure to prosecute. Plaintiff’s failure to
17 file the renewed motion to default judgment hinders the court’s ability to move this case toward
18 disposition and indicates that plaintiff does not intend to litigate this action. In other words,
19 plaintiff’s “noncompliance has caused [this] action to come to a complete halt, thereby allowing
20 [her] to control the pace of the docket rather than the Court.” Yourish v. Cal. Amplifier, 191 F.3d
21 983, 990 (9th Cir. 1999) (internal quotation marks omitted). Further, plaintiff was warned that
22 failure to file a renewed motion for default judgment would result in a dismissal of the action for
23 lack of prosecution and failure to comply with a court order. (See Dkt. 24, Court’s Order of
24 October 26, 2020, at 4); see also Ferdik, 963 F.2d at 1262 (“[A] district court’s warning to a party
25 that his failure to obey the court’s order will result in dismissal can satisfy the consideration of
26 alternatives requirement.”) (internal quotation marks omitted). Thus, having considered the
27 Pagtalunan factors, the court is persuaded that the instant action should be dismissed for failure
28 to comply with a court order and failure to prosecute.

