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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GERALDINE WATSON,	)	Case No. ED CV 13-1402 JLS (MRW)
Plaintiff,	)	
vs.	)	ORDER DISMISSING ACTION
CITY OF ONTARIO POLICE	)	WITHOUT PREJUDICE
DEPARTMENT, et al.,	)	
Defendants.	)	
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The Court vacates the reference of this action to the Magistrate Judge and dismisses the action for Plaintiff's failure to prosecute the action.

\* \* \*

This is a civil rights action brought by a former homeowner in Ontario, California. Plaintiff alleges that Ontario police officers wrongly evicted Plaintiff and her mother from their residence after a foreclosure.

Because Plaintiff proceeded in forma pauperis, Magistrate Judge Wilner preliminarily screened the complaint. 28 U.S.C. § 1915(e)(2). The Court dismissed the complaint due to numerous pleading deficiencies. (Docket # 7.) The

1 Court set a deadline to allow Plaintiff to amend her complaint, but Plaintiff failed  
2 to do so. (Id. at 4.) The Court then issued an order to show cause. (Docket # 9.)  
3 Plaintiff failed to respond to the Court’s OSC deadline.

4 Plaintiff originally filed the complaint in August 2013. Since then, Plaintiff  
5 has not filed anything with the Court nor has she amended her deficient complaint.  
6 In both orders, the Court expressly informed Plaintiff that the action would be  
7 dismissed under Federal Rule of Civil Procedure 41 if Plaintiff did not respond to  
8 the Court’s orders.

9 \* \* \*

10 Rule 41(b) provides that if a plaintiff “fails to prosecute or to comply with  
11 these rules or a court order, a defendant may move to dismiss the action or any  
12 claim against it.” Dismissal also may be ordered by the Court sua sponte. Link v.  
13 Wabash R.R., 370 U.S. 626, 629-30 (1962). Dismissal of a civil action under Rule  
14 41 may be appropriate to advance the public’s interest in the expeditious resolution  
15 of litigation, the court’s need to manage its docket, and to avoid the risk of  
16 prejudice to defendants. Omstead v. Dell, Inc., 594 F. 3d 1081, 1084 (9th Cir.  
17 2010); Ferdik v. Bonzelet, 963 F.2d 1258, 1263 (9th Cir. 1992). Additionally, a  
18 court should consider the public policy favoring disposition of cases on their merits  
19 and the availability of less drastic alternatives in its evaluation. Carey v. King, 856  
20 F.2d 1439, 1440 (9th Cir. 1988); Henderson v. Duncan, 779 F.2d 1421 (9th Cir.  
21 1986).

22 In the present action, the Court finds dismissal is appropriate. Plaintiff  
23 failed to comply with the Court’s clear and direct instructions on several occasions.  
24 Plaintiff did not amend the complaint or respond to the order to show cause by the  
25 deadlines that the Court set. As a result, the Court concludes that Plaintiff does not  
26 wish to advance the action here. By contrast, the Court, the named defendants, and  
27 the public have a strong interest in terminating this action. The Court finds that  
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1 dismissal is appropriate under Rule 41(b). Furthermore, because Plaintiff is a pro  
2 se litigant who has not responded to the Court's most recent notice about the status  
3 of the case, no sanction short of dismissal will be effective in moving this case  
4 forward. Carey, 856 F.2d at 1440.

5 Accordingly, for the above reasons, this action is DISMISSED without  
6 prejudice.

7 IT IS SO ORDERED.

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9 DATED: December 1, 2013

10 JOSEPHINE L. STATON  
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12 HON. JOSEPHINE L. STATON  
13 UNITED STATES DISTRICT JUDGE  
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