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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFREDO E. ZEPEDA,	)	1:07-cv-01483-LJO-GSA-PC
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS TO
	)	DISMISS CASE FOR FAILURE TO OBEY A
vs.	)	COURT ORDER
	)	(Doc. 41.)
JAMES A. YATES, et al.,	)	
	)	OBJECTIONS, IF ANY, DUE IN THIRTY
Defendants.	)	DAYS
_____	)	

On March 17, 2011, the Court issued an order dismissing Plaintiff's First Amended Complaint for failure to state a claim, with leave to amend. (Doc. 41.) Plaintiff was granted thirty days in which to file a Second Amended Complaint. *Id.* Plaintiff requested and was granted a sixty-day extension of time. (Docs. 43, 44.) The sixty-day period has now expired, and Plaintiff has not filed a Second Amended Complaint or otherwise responded to the Court's order.

In determining whether to dismiss this action for failure to comply with the directives set forth in its order, "the Court must weigh the following factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits." Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002) (citing Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)).



1 Recommendations." Plaintiff is advised that failure to file objections within the specified time may  
2 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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4 IT IS SO ORDERED.

5 Dated: August 12, 2011

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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