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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA
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7 ROBERT HARRIS,

8 Plaintiff,

1: 08 CV 1471 WMW PC

9 vs.

ORDER TO SHOW CAUSE

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12 CALIFORNIA DEPARTMENT OF
13 CORRECTIONS AND REHABILITATION,

14 Defendant.
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16 On November 7, 2008, the court sent to Plaintiff a form for consent or decline of
17 Magistrate Judge jurisdiction. The form directed Plaintiff to complete and return the form to the
18 court within thirty days. Plaintiff has not returned the form.

19 Local Rule 11-110 provides that “failure of counsel or of a party to comply with these
20 Local Rules or with any order of the Court may be grounds for the imposition by the Court of any
21 and all sanctions . . . within the inherent power of the Court.” District courts have the inherent
22 power to control their dockets and “in the exercise of that power, they may impose sanctions
23 including, where appropriate . . . dismissal of a case.” Thompson v. Housing Auth., 782 F.2d
24 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s
25 failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.
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1 See, e.g. Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)(dismissal for noncompliance with
2 local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
3 comply with an order requiring amendment of complaint); Carey v. King, 856 F.2d 1439, 1440-
4 41 (9th Cir. 1988)(dismissal for failure to comply with local rule requiring pro se plaintiffs to
5 keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir.
6 1987)(dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421,
7 1424 (9th Cir. 1986)(dismissal for failure to lack of prosecution and failure to comply with local
8 rules).

9 In determining whether to dismiss an action for lack of prosecution, failure to obey a
10 court order, or failure to comply with local rules, the court must consider several factors: (1) the
11 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket;
12 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on
13 their merits; and (5) the availability of less drastic alternatives. Thompson, 782 F.2d at 831;
14 Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at 130; Ferdik, 963 F.2d at 1260-61; Ghazali,
15 46 F.3d at 53.

16 In the instant case, the court finds that the public's interest in expeditiously resolving this
17 litigation and the court's interest in managing the docket weigh in favor of dismissal. The third
18 factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a presumption of
19 injury arises from the occurrence of unreasonable delay in prosecuting an action. Anderson v.
20 Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor -- public policy favoring
21 disposition of cases on their merits -- is greatly outweighed by the factors in favor of dismissal
22 discussed herein. Finally, a court's warning to a party that his failure to obey the court's order
23 will result in dismissal satisfies the "consideration of alternatives" requirement. Ferdik v.
24 Bonzelet, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779 F.2d at 1424.

25 Accordingly, IT IS HEREBY ORDERED that Plaintiff is directed to show cause, within
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thirty days of the date of service of this order, why this action should not be dismissed for his failure to obey a court order.

IT IS SO ORDERED.

Dated: January 16, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE