

1 "In determining whether to dismiss an action for lack of prosecution, the district
2 court is required to consider several factors: '(1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice
4 to the defendants; (4) the public policy favoring disposition of cases on their merits and
5 (5) the availability of less drastic sanctions.'" Carey v. King, 856 F.2d 1439, 1440 (9th
6 Cir. 1988) (quoting Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)). These
7 factors guide a court in deciding what to do, and are not conditions that must be met in
8 order for a court to take action. In re Phenylpropanolamine (PPA) Products Liability
9 Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006) (citation omitted).

10 In this instance, Local Rule 183(b) provides for the dismissal of an action based
11 on returned mail. Given the Court's inability to communicate with Plaintiff, dismissal is
12 warranted as there are no other reasonable alternatives available. Carey, 856 F.2d at
13 1441.

14 Accordingly, the Court HEREBY RECOMMENDS DISMISSAL of this action,
15 without prejudice, based on Plaintiff's failure to prosecute. Local Rule 183(b).

16 These Findings and Recommendations will be submitted to the United States
17 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
18 636(b)(1). Within fourteen (14) days after being served with these Findings and
19 Recommendations, the parties may file written objections with the Court. The document
20 should be captioned "Objections to Magistrate Judge's Findings and Recommendations."
21 The parties are advised that failure to file objections within the specified time may waive
22 the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
23 1991).

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25 IT IS SO ORDERED.

26 Dated: August 29, 2014

27 /s/ Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE

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