



1 **DISCUSSION**

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

16 In determining whether to dismiss an action for lack of prosecution, failure to obey a court  
17 order, or failure to comply with local rules, the court must consider several factors: (1) the public’s  
18 interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk  
19 of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and  
20 (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d at 831; [Henderson, 779 F.2d at](#)  
21 [1423-24](#); [Malone, 833 F.2d at 130](#); [Ferdik, 963 F.2d at 1260-61](#); [Ghazali, 46 F.3d at 53](#).

22 In the instant case, the Court finds that the public’s interest in expeditiously resolving this  
23 litigation and the Court’s interest in managing the docket weigh in favor of dismissal, as this case has  
24 been pending since May 20, 2011, and Plaintiff has failed to serve the Complaint.

25 The third factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a  
26 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action.  
27 [Anderson v. Air West, Inc., 542 F.2d 522, 524 \(9th Cir. 1976\)](#). The fourth factor -- public policy

1 favoring disposition of cases on their merits -- is greatly outweighed by the factors in favor of  
2 dismissal discussed herein.

3 Finally, a court's warning to a party that his failure to obey the court's order will result in  
4 dismissal satisfies the "consideration of alternatives" requirement. [Ferdik, 963 F.2d at 1262](#);  
5 [Malone, 833 at 132-33](#); [Henderson, 779 F.2d at 1424](#). The Court's October 3, 2011, Order to Show  
6 Cause expressly stated that if she did not comply, the Court would recommend that the action be  
7 dismissed. Thus, Plaintiff had adequate warning that dismissal would result from her noncompliance  
8 with the Court's order.

9 Accordingly, this action is DISMISSED WITHOUT PREJUDICE for Plaintiff's failure to  
10 prosecute the action.

11 This terminates this action in its entirety.

12 IT IS SO ORDERED.

13 **Dated: November 30, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

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