

1 Complaint in compliance with 28 U.S.C. § 1915A. (ECF Nos. 9, 10.) That same order indicated
2 that Plaintiff's failure to comply as directed may result in the dismissal of this action under Rule
3 41(b) of the Federal Rules of Civil Procedure without further notice. (*Id.*)

4 Since Plaintiff did not respond, on September 13, 2013, the Court ordered her to show
5 cause within twelve days why this action should not be dismissed. (ECF No. 11.) Plaintiff was
6 warned that this action would be dismissed if she failed to respond. (*Id.*) The twelve-day
7 deadline has expired and Plaintiff did not comply with or otherwise responded to either of the
8 Court's orders. Plaintiff was warned in the First Informational Order (ECF No. 4) that failure to
9 comply with a court order is grounds for sanctions up to and including dismissal of this action.
10 Local Rule 110; Fed. R. Civ. P. 41(b).

11 The Court has the inherent power to control its docket and may, in the exercise of that
12 power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los*
13 *Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action,
14 the Court must weigh "(1) the public's interest in expeditious resolution of litigation; (2) the
15 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
16 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *In*
17 *re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir.
18 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)). These factors are
19 not conditions that must be met in order for a court to take action but rather guide a court in
20 deciding what to do. *Id.* (citation omitted).

21 Based on Plaintiff's failure to comply with or otherwise respond to the above orders, the
22 Court is left with no alternative but to dismiss the action for failure to prosecute. *Id.* This action
23 can proceed no further without Plaintiff's cooperation and compliance with the orders at issue.
24 The action cannot simply remain idle and unprosecuted on the Court's docket. *Id.*

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Accordingly, this action is HEREBY ORDERED DISMISSED, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

Dated: September 26, 2013

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE