



1 and all sanctions . . . within the inherent power of the Court.” District courts have the inherent  
2 power to control their dockets and “in the exercise of that power, they may impose sanctions  
3 including, where appropriate . . . dismissal of a case.” Thompson v. Housing Auth., 782 F.2d  
4 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s  
5 failure to prosecute an action, failure to obey a court order, or failure to comply with the court’s  
6 local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for  
7 noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)  
8 (dismissal for failure to comply with an order requiring amendment of complaint); Carey v. King,  
9 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
10 pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128,  
11 130 (9th Cir. 1987) (dismissal for failure to comply with court order); Henderson v. Duncan, 779  
12 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with  
13 local rules). In determining whether to dismiss an action for lack of prosecution, failure to obey a  
14 court order, or failure to comply with local rules, the court must consider several factors: (1) the  
15 public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket;  
16 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on  
17 their merits; and (5) the availability of less drastic alternatives. Ghazali, 46 F.3d at 53; Ferdik,  
18 963 F.2d at 1260-61; Malone, 833 F.2d at 130; Thompson, 782 F.2d at 831; Henderson, 779  
19 F.2d at 1423-24.  
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23 In the instant case, the Court finds that the public’s interest in expeditiously resolving this  
24 litigation and the Court’s interest in managing the docket weigh in favor of dismissal because  
25 there is no indication that the Plaintiff intends to prosecute this action. The third factor, risk of  
26 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises  
27 from any unreasonable delay in prosecuting an action. Anderson v. Air West, 542 F.2d 522, 524  
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1 (9th Cir. 1976). The fourth factor, public policy favoring disposition of cases on their merits, is  
2 greatly outweighed by the factors in favor of dismissal. Finally, a court’s warning to a party that  
3 his failure to comply with the court’s order will result in dismissal satisfies the “consideration of  
4 alternatives” requirement. Ferdik, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779  
5 F.2d at 1424. The Court’s order permitting Plaintiff to file an amended complaint was clear that  
6 failure to file an amended complaint within the time specified in the order would result in the  
7 dismissal of this action.<sup>1</sup> Doc. 6 at 9.

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9 **RECOMMENDATION**

10 In light of the foregoing, IT IS HEREBY RECOMMENDED that this action be  
11 DISMISSED for Plaintiff’s failure to comply with a court order and to prosecute this action, and  
12 that the Clerk of the Court be directed to close this action.

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14 These Findings and Recommendations are submitted to United States District Judge  
15 Anthony W. Ishii, pursuant to 28 U.S.C. § 636(b)(1)(B). Within **fourteen (14) days** from the  
16 date of these Findings and Recommendations, Plaintiff may file written objections with the Court.  
17 The document should be captioned “Objections to Magistrate Judge’s Findings and  
18 Recommendations.” The parties are advised that failure to file objections within the specified  
19 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
20 (9th Cir. 1991).  
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23 IT IS SO ORDERED.

24 Dated: July 18, 2014

/s/ Gary S. Austin  
25 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> Furthermore, for the reasons set forth in this Court’s order dismissing Plaintiff’s original complaint, Doc. 6, Plaintiff’s has failed to state a claim upon which relief may be granted.