

1 control their dockets and “in the exercise of that power, they may impose sanctions including, where
2 appropriate . . . dismissal of a case.” Thompson v. Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986).
3 A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure
4 to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52,
5 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d
6 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of
7 complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply
8 with local rule requiring pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal
9 Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order);
10 Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to lack of
11 prosecution and failure to comply with local rules). In determining whether to dismiss an action for
12 lack of prosecution, failure to obey a court order, or failure to comply with local rules, the Court must
13 consider several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s
14 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
15 disposition of cases on their merits; and (5) the availability of less drastic alternatives. Thompson, 782
16 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at 130; Ferdik, 963 F.2d at 1260-61;
17 Ghazali, 46 F.3d at 53.

18 In the instant case, the Court finds that the public’s interest in expeditiously resolving this
19 litigation and the Court’s interest in managing the docket weigh in favor of dismissal. The third
20 factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a presumption of injury
21 arises from the occurrence of unreasonable delay in prosecuting an action. Anderson v. Air West, 542
22 F.2d 522, 524 (9th Cir. 1976). The fourth factor -- public policy favoring disposition of cases on their
23 merits -- is greatly outweighed by the factors in favor of dismissal discussed herein. Finally, a Court’s
24 warning to a party that his failure to obey the Court’s order will result in dismissal satisfies the
25 “consideration of alternatives” requirement. Ferdik v. Bonzelet, 963 F.2d at 1262; Malone, 833 at
26 132-33; Henderson, 779 F.2d at 1424. The Court’s order requiring plaintiff to pay the filing fee in full
27 within forty-five days expressly stated: “Plaintiff must submit the \$400.00 filing fee in full, within
28 forty-five (45) days from the date of service of this order, or this action will be dismissed.” Thus,

