

1 whether to dismiss this action for failure to comply with the directives set forth in its order, “the
2 Court must weigh the following factors: (1) the public’s interest in expeditious resolution of
3 litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to
4 defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy
5 favoring disposition of cases on their merits.” *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir.
6 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992)).

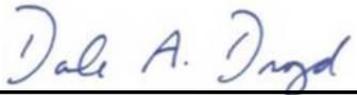
7 At this stage in the litigation, the court finds it appropriate to provide plaintiff with an
8 additional opportunity to proceed. Accordingly, the court directs plaintiff Borja to **file a written**
9 **response within twenty-one (21) days of service of this order** showing cause why this case
10 should not be dismissed due to her failure to comply with the court’s prior orders and failure to
11 prosecute this action. In response to this order, plaintiff should either (1) file a pretrial statement,
12 as described in the court’s second scheduling order (*see* Doc. No. 44), and a motion for the
13 attendance of incarcerated witnesses (*see id.*; Doc. No. 47); or (2) explain why the court should
14 grant her a further extension of time in which to file those documents. Any failure on plaintiff’s
15 part to comply with this order will likely result in the dismissal of this action.

16 For the reasons set forth above,

- 17 1. The Clerk of the Court is directed to serve this order, accompanied by a copy of the
18 court’s second scheduling order (Doc. No. 44), on plaintiff;
- 19 2. The telephonic trial confirmation hearing, currently set for June 12, 2017, and the jury
20 trial, currently set for August 8, 2017, are vacated; and
- 21 3. Plaintiff Borja shall file a written response to this order within twenty-one (21) days of
22 service of this order.

23 IT IS SO ORDERED.

24 Dated: May 9, 2017

25 
UNITED STATES DISTRICT JUDGE