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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD KNUTSON,
Plaintiff,

v.

KERN VALLEY STATE PRISON
WARDEN, et al.,
Defendants.

Case No. 1:14-cv-00448-SKO (PC)

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, FOR FAILURE TO OBEY A
COURT ORDER

(Doc. 12)

Plaintiff Ronald Knutson, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 24, 2014. On September 12, 2014, the Court dismissed Plaintiff's amended complaint and ordered him to file a legible second amended complaint within thirty days. Plaintiff was warned that the failure to comply with the order would result in dismissal. More than thirty days have passed and Plaintiff has not complied with or otherwise responded to the order.

The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000). In determining whether to dismiss an action for failure to comply with a pretrial order, the Court must weigh: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and

1 (5) the availability of less drastic sanctions. *In re Phenylpropanolamine (PPA) Products Liability*
2 *Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quotation marks and citation omitted). These
3 factors guide a court in deciding what to do and are not conditions that must be met in order for a
4 court to take action. *In re PPA*, 460 F.3d at 1226 (citation omitted).

5 In this case, two factors weigh against dismissal while three factors weigh in favor of
6 dismissal. *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999). There is no
7 discernible prejudice to the defendants at this early stage in the proceedings, and public policy
8 always favors disposition on the merits. *In re PPA*, 460 F.3d at 1227-28; *Pagtalunan v. Galaza*,
9 291 F.3d 639, 642-43 (9th Cir. 2002); *Yourish*, 191 F.3d at 991-92. On the other hand, the
10 public's interest in expeditious resolution of litigation always favors dismissal; the Court's ability
11 to manage its docket and guide cases toward resolution is significantly compromised by
12 noncompliance with orders; and there are no alternative sanctions which are satisfactory given that
13 Plaintiff is proceeding in forma pauperis and this action cannot proceed any further absent his
14 compliance with the order. *In re PPA*, 460 F.3d at 1227-29; *Pagtalunan*, 291 F.3d at 642-43;
15 *Yourish*, 191 F.3d at 990-92.

16 Accordingly, this action is HEREBY ORDERED DISMISSED, without prejudice, for
17 failure to obey the order to file a legible second amended complaint.

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20 IT IS SO ORDERED.

21 Dated: November 6, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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