

1 inherent power of the Court.” District courts have the inherent power to control their dockets and “[i]n
2 the exercise of that power they may impose sanctions including, where appropriate, . . . dismissal.”
3 *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with
4 prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to
5 comply with local rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for
6 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal
7 for failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*,
8 833 F.2d 128, 130-33 (9th Cir. 1987) (dismissal for failure to comply with court order).

9 In determining whether to dismiss an action, the Court must consider several factors: (1) the
10 public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3)
11 the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
12 merits; and (5) the availability of less drastic sanctions. *Henderson v. Duncan*, 779 F.2d 1421, 1423
13 (9th Cir. 1986); *Carey v. King*, 856 F.2d 1439 (9th Cir. 1988).

14 The Court finds that the public’s interest in expeditiously resolving this litigation and the
15 Court’s interest in managing the docket weigh in favor of dismissal. This action has been pending
16 since April 2014. Plaintiff has made no attempt to comply with the Court’s order to show cause issued
17 on March 23, 2015, or to address the issue of claim preclusion. The Court cannot hold this case in
18 abeyance awaiting such compliance by Plaintiff. The third factor, risk of prejudice to defendants, also
19 weighs in favor of dismissal, since a presumption of injury arises from the occurrence of unreasonable
20 delay in prosecuting an action. *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). The
21 fourth factor -- public policy favoring disposition of cases on their merits -- is greatly outweighed by
22 the factors in favor of dismissal discussed herein. Finally, the court’s warning to a party that failure to
23 obey the court’s order will result in dismissal satisfies the “considerations of the alternatives”
24 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132-133; *Henderson*, 779 F.2d at 1424. The
25 Court’s order to show cause issued on March 23, 2015, expressly stated “Failure to comply with this
26 order will result in the action being dismissed, without prejudice, for failure to comply with a court
27 order.” (ECF No. 9, p. 4.) Thus, Plaintiff had adequate warning that dismissal could result from his
28 noncompliance with the Court’s order.

1 For the reasons stated above, this action is HEREBY DISMISSED, without prejudice, based on
2 Plaintiff's failure to obey the Court's order of March 23, 2015.

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4 IT IS SO ORDERED.

5 Dated: April 23, 2015

6 /s/ Barbara A. McAuliffe
7 UNITED STATES MAGISTRATE JUDGE
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