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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CURTIS EDWARD BYRD,	)	1:14-CV-00832 DLB PC
	)	
Plaintiff,	)	ORDER DISMISSING ACTION FOR
	)	FAILURE TO COMPLY WITH A COURT
vs.	)	ORDER
	)	
SANDRA PENNYWELL, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Curtis Edward Byrd (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c) on June 18, 2015.

On July 17, 2015, the Court issued an order directing Plaintiff to show cause why the action should not be dismissed for failure to follow a court order. Plaintiff was granted fourteen (14) days to file a response. The fourteen (14) day period has now expired, and Plaintiff has not responded to the order to show cause or otherwise communicated with the Court.

Local Rule 110 provides that “failure of counsel or of a party to comply with these Local Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” “District courts have the inherent power to control their dockets and in the exercise of that power, they may impose sanctions

1 including, where appropriate . . . dismissal of a case.” Thompson v. Housing Auth., 782 F.2d  
2 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party s  
3 failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
4 See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with  
5 local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to  
6 comply with an order requiring amendment of complaint); Carey v. King, 856 F.2d 1439, 1440-  
7 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to  
8 keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir.  
9 1987) (dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421,  
10 1424 (9th Cir. 1986) (dismissal for failure to lack of prosecution and failure to comply with local  
11 rules).

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13 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. Thompson, 782 F.2d at 831;  
18 Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at 130; Ferdik, 963 F.2d at 1260-61; Ghazali,  
19 46 F.3d at 53.

20  
21 In the instant case, the Court finds that the public’s interest in expeditiously resolving this  
22 litigation and the Court’s interest in managing the docket weigh in favor of dismissal. The third  
23 factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a presumption of  
24 injury arises from the occurrence of unreasonable delay in prosecuting an action. Anderson v.  
25 Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor -- public policy favoring  
26 disposition of cases on their merits -- is greatly outweighed by the factors in favor of dismissal  
27 discussed herein. Finally, a court’s warning to a party that his failure to obey the court’s order  
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1 will result in dismissal satisfies the “consideration of alternatives” requirement. Ferdik v.  
2 Bonzelet, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779 F.2d at 1424. The Court’s  
3 order expressly stated: “Failure to show cause, or failure to respond to this order, will result in  
4 dismissal of this action.” Thus, Plaintiff had adequate warning that dismissal would result from  
5 his noncompliance with the Court’s order.

6 **ORDER**

7  
8 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED for Plaintiff’s  
9 failure to comply with the Court’s orders.

10 IT IS SO ORDERED.

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12 Dated: August 11, 2015

13 /s/ Dennis L. Beck  
14 UNITED STATES MAGISTRATE JUDGE