

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

12 In determining whether to dismiss an action for lack of prosecution, failure to obey
13 a court order, or failure to comply with local rules, the Court must consider several
14 factors: (1) the public’s interest in expeditious resolution of litigation, (2) the Court’s need
15 to manage its docket, (3) the risk of prejudice to the defendants, (4) the public policy
16 favoring disposition of cases on their merits, and (5) the availability of less drastic
17 alternatives. Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833
18 F.2d at 130; Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

19 In the instant case, the public’s interest in expeditiously resolving this litigation
20 and the Court’s interest in managing its docket weigh in favor of dismissal. The third
21 factor, risk of prejudice to Defendants, also weighs in favor of dismissal, since a
22 presumption of injury arises from the occurrence of unreasonable delay in prosecuting
23 this action. Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor –
24 public policy favoring disposition of cases on their merits – is greatly outweighed by the
25 factors in favor of dismissal discussed herein. Finally, as for the availability of lesser
26 sanctions, at this stage in the proceedings there is little available which would constitute
27 a satisfactory lesser sanction while preserving scarce Court resources. Plaintiff has not
28 paid the filing fee for this action and is likely unable to pay, making monetary sanctions

1 of little use.

2 Accordingly, it is HEREBY ORDERED THAT:

- 3 1. Within fourteen (14) days of service of this Order, Plaintiff shall either show
4 cause as to why this action should not be dismissed with prejudice for
5 failure to comply with the Court's order (ECF No. 10) and failure to
6 prosecute, or file an amended complaint, and
7 2. If Plaintiff fails to show cause or file an amended complaint, the
8 undersigned shall dismiss this action, with prejudice.

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10 IT IS SO ORDERED.

11 Dated: November 21, 2014

/s/ Michael J. Seng
12 UNITED STATES MAGISTRATE JUDGE

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