

1 **II. Requirements of the Local Rules**

2 Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the
3 Court apprised of his current address: “If mail directed to a plaintiff in propria persona by the Clerk is
4 returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties
5 within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without
6 prejudice for failure to prosecute.” LR 183(b). Because more than 63 days have passed since the
7 document was returned as undeliverable and he has not notified the Court of her current address, he
8 has failed to comply with the Local Rules.

9 **III. Discussion and Analysis**

10 “District courts have inherent power to control their dockets,” and in exercising that power, a
11 court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los*
12 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a
13 party’s failure to prosecute an action or failure to obey a court order, or failure to comply with local
14 rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 2005) (dismissal for failure to comply
15 with local rules); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
16 comply with an order requiring amendment of complaint); *Henderson v. Duncan*, 779 F.2d 1421, 1424
17 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

18 In determining whether to dismiss an action for failure to prosecute, failure to comply with the
19 Local Rules, or failure to obey a court order, the Court must consider several factors, including: “(1)
20 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket;
21 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
22 merits; and (5) the availability of less drastic sanctions.” *Henderson*, 779 F.2d at 1423-24; *see also*
23 *Ferdik*, 963 F.2d at 1260-61; *Thompson*, 782 F.2d at 831.

24 In the case at hand, the public’s interest in expeditiously resolving this litigation and the
25 Court’s interest in managing the docket weigh in favor of dismissal. *See Yourish v. Cal. Amplifier*,
26 191 F.3d 983, 990 (9th Cir. 1999) (“The public’s interest in expeditious resolution of litigation always
27 favors dismissal”); *Ferdik*, 963 F.2d at 1261 (recognizing that district courts have inherent interest in
28 managing their dockets without being subject to noncompliant litigants). Judges in the Eastern

1 District of California carry the heaviest caseload in the nation, and this Court cannot, and will not
2 hold, this action in abeyance based upon Plaintiff’s failure to prosecute or notify the Court of a change
3 in address. Further, the policy favoring disposition of cases on their merits is outweighed by the
4 factors in favor of dismissal. No lesser sanction is feasible given the Court’s inability to communicate
5 with Plaintiff.

6 **IV. Order**

7 Good cause appearing **IT IS HEREBY ORDERED** that the Clerk of Court is **DIRECTED** to
8 assign a United States District Judge to this action.

9 **V. Findings and Recommendations**

10 Plaintiff has failed to follow the requirements of the Local Rules or to prosecute this action.
11 As set forth above, the factors set forth by the Ninth Circuit weigh in favor of dismissal of the matter.
12 Accordingly, the Court **RECOMMENDS**:

- 13 1. This action be **DISMISSED WITHOUT PREJUDICE**; and
- 14 2. The Clerk of Court be directed to close this action.

15 These Findings and Recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local
17 Rules of Practice for the United States District Court, Eastern District of California. Within fourteen
18 days after being served with these Findings and Recommendations, Plaintiff may file written objections
19 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and
20 Recommendations.” Plaintiff is advised that failure to file objections within the specified time may
21 waive the right to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991);
22 *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014).

23
24 IT IS SO ORDERED.

25 Dated: **September 30, 2015**

26 **/s/ Jennifer L. Thurston**
27 UNITED STATES MAGISTRATE JUDGE
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