



1           Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with  
2 these Rules or with any order of the Court may be grounds for imposition by the Court of  
3 any and all sanctions . . . within the inherent power of the Court.” “District courts have  
4 inherent power to control their dockets [and] . . . [i]n the exercise of that power, they may  
5 impose sanctions including, where appropriate, default or dismissal.” *Thompson v.*  
6 *Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with  
7 prejudice, based on a party’s failure to prosecute, failure to obey a court order, or failure  
8 to comply with local rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)  
9 (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-  
10 63 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of a  
11 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure  
12 to comply with local rule requiring pro se plaintiffs to keep court apprised of address);  
13 *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to  
14 comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424-25 (9th Cir.  
15 1986) (dismissal for lack of prosecution and failure to comply with local rules).

16           In determining whether to dismiss an action for lack of prosecution, failure to obey  
17 a court order, or failure to comply with local rules, the Court must consider several  
18 factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the [C]ourt’s  
19 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public  
20 policy favoring disposition of cases on their merits and (5) the availability of less drastic  
21 alternatives.” *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423.

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

6 Accordingly, it is HEREBY ORDERED THAT:

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- 8 1. Within fourteen (14) days of service of this Order, Plaintiff shall either show  
9 cause as to why this action should not be dismissed with prejudice for  
10 failure to comply with the Court's order (ECF No. 21.) and failure to  
11 prosecute, or file an amended complaint; and
  - 12 2. If Plaintiff fails to show cause or file an amended complaint, the  
13 undersigned shall dismiss this action, with prejudice, subject to the "three  
14 strikes" provision set forth in 28 U.S.C. § 1915(g). *Silva v. Di Vittorio*, 658  
15 F.3d 1090 (9th Cir. 2011).

16 IT IS SO ORDERED.

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18 Dated: May 28, 2015

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

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