



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

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

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. Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor –  
27 public policy favoring disposition of cases on their merits – is greatly outweighed by the  
28 factors in favor of dismissal discussed herein. Finally, as for the availability of lesser

1 sanctions, at this stage in the proceedings there is little available which would constitute  
2 a satisfactory lesser sanction while preserving scarce Court resources. Plaintiff is likely  
3 unable to pay monetary sanctions, making such sanctions of little use.

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. The action is dismissed, with prejudice, for failure to state a claim, failure  
6 to obey a court order, and failure to prosecute;
- 7 2. Dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g); and
- 8 3. The Clerk's Office is directed to terminate any and all pending motions and  
9 to close the case.

10 IT IS SO ORDERED.  
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12 Dated: June 26, 2015

*/s/ Michael J. Seng*  
13 UNITED STATES MAGISTRATE JUDGE  
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