

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

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

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

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Accordingly, it is HEREBY ORDERED THAT:

1. Within fourteen (14) days of service of this Order, Plaintiff shall either show cause as to why this action should not be dismissed with prejudice for failure to comply with the Court's order (ECF No. 3) and failure to prosecute, file an application to proceed in forma pauperis, or pay the \$400 filing fee in full;
2. If Plaintiff fails to show cause, file an application to proceed in forma pauperis on the appropriate form, or pay the \$400 filing fee in full, the undersigned will recommend that the action be dismissed without prejudice for failure to obey a court order and failure to prosecute; and
3. The Clerk's Office shall send to Plaintiff the attached form for application to proceed in forma pauperis **for a non-prisoner.**

IT IS SO ORDERED.

Dated: December 29, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE