

1 with local rules); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
2 comply with an order requiring amendment of complaint); Malone v. U.S. Postal Service, 833 F.2d
3 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); Henderson v. Duncan,
4 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

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

11 In the case at hand, the public’s interest in expeditiously resolving this litigation and the
12 Court’s interest in managing the docket weigh in favor of dismissal. The risk of prejudice to the
13 defendants also weighs in favor of dismissal, since a presumption of injury arises from the occurrence
14 of unreasonable delay in prosecution of an action. *See* Anderson v. Air West, 542 F.2d 522, 524 (9th
15 Cir. 1976). The Court will not, and cannot, hold the case in abeyance because Plaintiff’s fails to notify
16 the Court of his current address.

17 Pursuant to Local Rule 183(b), a party appearing in propria persona such as Plaintiff is
18 required to keep the Court advised of his current address at all times. Specifically, Local Rule 183(b)
19 provides:

20 A party appearing in propria persona shall keep the Court and opposing parties advised as
21 to his or her current address. If mail directed to a plaintiff in propria persona by the Clerk
22 is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and
opposing parties within sixty-three (63) days thereafter of a current address, the Court may
dismiss the action without prejudice for failure to prosecute.

23 Plaintiff was to inform this Court of his new address by January 30, 2017, but has failed to do so. The
24 Court finds that this warrants dismissal of the action because no lesser sanction is feasible given the
25 Court’s inability to communicate with Plaintiff. Accordingly, the Court **RECOMMENDS**:

- 26 1. This action be **DISMISSED WITHOUT PREJUDICE** for Plaintiff’s failure to keep
27 the Court advised of his current address; and
- 28 2. The Clerk of Court be directed to close this action because this order terminates the

1 action in its entirety. These Findings and Recommendations are submitted to the United States
2 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule
3 304 of the Local Rules of Practice for the United States District Court, Eastern District of California.
4 Within fourteen days after being served with these Findings and Recommendations, Plaintiff may file
5 written objections with the court. Such a document should be captioned “Objections to Magistrate
6 Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
7 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d
8 1153 (9th Cir. 1991).

9
10 IT IS SO ORDERED.

11 Dated: February 2, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE