

1 availability of less drastic alternatives. *Ghazali*, 46 F.3d at 53; *Ferdik*, 963 F.2d at 1260 61;
2 *Malone*, 833 F.2d at 130; *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423 24.

3 In the instant case, the Court finds that the public’s interest in expeditiously resolving this
4 litigation and the Court’s interest in managing the docket weigh in favor of dismissal because
5 there is no indication that the Plaintiff intends to prosecute this action. The third factor, risk of
6 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
7 from any unreasonable delay in prosecuting an action. *Anderson v. Air West*, 542 F.2d 522, 524
8 (9th Cir. 1976). The fourth factor, public policy favoring disposition of cases on their merits, is
9 greatly outweighed by the factors in favor of dismissal. Finally, a court’s warning to a party that
10 his failure to obey the court’s order will result in dismissal satisfies the “consideration of
11 alternatives” requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132 33; *Henderson*, 779
12 F.2d at 1424. Both of the Court’s orders advised Plaintiff that a failure to respond would result in
13 dismissal of this action. (Doc. 15 and Doc. 16, at pg. 2).
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RECOMMENDATION

Accordingly, the Court HEREBY RECOMMENDS that this action be DISMISSED for Plaintiff’s failure to comply with a court order, and for failure to prosecute this action

This Findings and Recommendation is submitted to the Honorable Kimberly J. Muller, United States District Court Judge, pursuant to the provisions of 28 U.S.C. section 636 (b)(1)(B).

Within **fourteen (14)** days after being served with a copy, Plaintiff may file written objections with the Court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.” The Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Wilkerson v. Wheeler*, 772 F. 3d 834, 839 (9th Cir. 2014).

IT IS SO ORDERED.

Dated: September 15, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE