



1 held a telephonic status conference with the Plaintiff on September 14, 2016. (Doc. 20). At the  
2 conference, Plaintiff was given until November 3, 2016, to serve Defendant with the confidential  
3 letter brief.

4 On October 28, 2016, Plaintiff called chambers indicating that he had not served the letter  
5 brief and requested Defendant's address. On October 31, 2016, the Court issued a minute order  
6 listing Defendant's address. Plaintiff was also advised that if he wanted an extension of time to  
7 serve the confidential letter brief, he needed to file a motion in writing no later than November  
8 10, 2016. To date, Plaintiff has not filed a request for an extension of time. On November 18,  
9 2016, Defendant filed a status report indicating that the confidential letter brief was not received  
10 and that there had been no communication with the Plaintiff since the September 14, 2016 status  
11 conference. (Doc. 23).

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14 Given the above, it appears that Plaintiff has violated the order of this court. Accordingly,  
15 the Court orders that Plaintiff show cause why monetary sanctions should not be imposed, or why  
16 this case should not be dismissed for his failure to comply with this Court's orders, and for his  
17 failure to prosecute this case.

18 Rule 110 of this Court's Local Rules provides that the "failure of counsel or of a party to  
19 comply ... with any order of the Court may be grounds for imposition by the Court of any and all  
20 sanctions ... within the inherent power of the Court." This Court has the inherent power to  
21 manage its docket. *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may  
22 dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey  
23 a court order, or failure to comply with local rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54  
24 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258,  
25 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of  
26 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to  
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1 comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Henderson v.*  
2 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to  
3 comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey a  
5 court order, or failure to comply with local rules, the court must consider several factors: (1) the  
6 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket;  
7 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on  
8 their merits; and (5) the availability of less drastic alternatives. *Ghazali*, 46 F.3d at 53; *Ferdik*,  
9 963 F.2d at 1260-61; *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24.

11 Given the above, Plaintiff ORDERED *to file a written response* to this Order to Show  
12 Cause WITHIN twenty (20) days of the date of this Order, explaining why he has not served  
13 Defendant with the confidential letter brief. ***Plaintiff is reminded that the confidential letter***  
14 ***brief shall not be filed on the docket or served on the Court, but mailed directly to the***  
15 ***Defendant.***

17 **Failure to respond to this Order to Show Cause within the time specified may result**  
18 **in dismissal of this action.**

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21 IT IS SO ORDERED.

22 Dated: December 1, 2016

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE