

1 On January 10, 2018, the Court’s order was returned as “Undeliverable” by the United States
2 Postal Service, which noted the mail was “Not Deliverable as Addressed; Unable to Forward.” To
3 date, Plaintiff’s mailing address remains unknown, because he has not filed a “Notice of Change of
4 Address” with the Court.

5 **II. Requirements of the Local Rules**

6 Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the
7 Court apprised of his current address: “If mail directed to a plaintiff in propria persona by the Clerk is
8 returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties
9 within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without
10 prejudice for failure to prosecute.” LR 183(b). Because more than 63 days have passed since the
11 Court’s order was returned as undeliverable, Plaintiff has failed to comply with the Local Rules.

12 **III. Discussion and Analysis**

13 “District courts have inherent power to control their dockets,” and in exercising that power, a
14 court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los*
15 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a
16 party’s failure to prosecute an action or failure to obey a court order, or failure to comply with local
17 rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 2995) (dismissal for failure to comply
18 with local rules); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
19 comply with an order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for
20 failure to prosecute and to comply with local rules).

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

27 In the case at hand, the public’s interest in expeditiously resolving this litigation and the Court’s
28 interest in managing the docket weigh in favor of dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d

1 983, 990 (9th Cir. 1999) (“The public’s interest in expeditious resolution of litigation always favors
2 dismissal”); *Ferdik*, 963 F.2d at 1261 (recognizing that district courts have inherent interest in
3 managing their dockets without being subject to noncompliant litigants). Judges in the Eastern District
4 of California carry one of the heaviest caseloads in the nation, and this Court cannot, and will not hold,
5 this action in abeyance while waiting for Plaintiff to notify the Court of a change in address.

6 The risk of prejudice to the defendant also weighs in favor of dismissal, since a presumption of
7 injury arises from the occurrence of unreasonable delay in prosecution of an action. *See Anderson v. Air*
8 *West*, 542 F.2d 522, 524 (9th Cir. 1976). Finally, the policy favoring disposition of cases on their merits
9 is outweighed by the factors in favor of dismissal.

10 **IV. Conclusion and Order**

11 Plaintiff has failed to follow the requirements of the Local Rules, which require him to provide
12 a current mailing address to the Court. As set forth above, the factors set forth by the Ninth Circuit
13 weigh in favor of dismissal of the matter.

14 Accordingly, the Court **ORDERS**:

- 15 1. This action is **DISMISSED** without prejudice; and
- 16 2. The Clerk of Court is **DIRECTED** to close this action.

17
18 IT IS SO ORDERED.

19 Dated: March 20, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE