

1 alternative, “to file a notification indicating whether he intends to represent himself.” (Doc. 20 at 2)
2 To date, Plaintiff has not responded to either order of the Court, or taken any further action to prosecute
3 the matter.

4 **II. Failure to Prosecute and Obey the Court’s Orders**

5 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a
6 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any
7 and all sanctions . . . within the inherent power of the Court.” LR 110. “District courts have inherent
8 power to control their dockets,” and in exercising that power, a court may impose sanctions including
9 dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir.
10 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute an action
11 or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963
12 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment
13 of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to
14 comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for
15 failure to prosecute and to comply with local rules).

16 **III. Discussion and Analysis**

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

23 In the case at hand, the public’s interest in expeditiously resolving this litigation and the Court’s
24 interest in managing the docket weigh in favor of dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d
25 983, 990 (9th Cir. 1999) (“The public’s interest in expeditious resolution of litigation always favors
26 dismissal”); *Ferdik*, 963 F.2d at 1261 (recognizing that district courts have inherent interest in
27 managing their dockets without being subject to noncompliant litigants). Judges in the Eastern District
28 of California carry the heaviest caseload in the nation, and this Court cannot, and will not hold, this

