

1 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its
2 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases
3 on their merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA)
4 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted).
5 These factors guide a court in deciding what to do, and are not conditions that must be met in order for
6 a court to take action. Id. (citation omitted).

7 Based on Plaintiff’s failure to comply with or otherwise respond to the Court’s order, the Court
8 is left with no alternative but to dismiss the action for failure to prosecute. Id. As a result, there is no
9 pleading on file which sets forth any claims upon which relief may be granted. This action can
10 proceed no further without Plaintiff’s cooperation and compliance with the order at issue, and the
11 action cannot simply remain idle on the Court’s docket, unprosecuted. Id.

12 Accordingly, it is **HEREBY RECOMMENDED** that this action be dismissed for failure to
13 comply with a court order and failure to state a cognizable claim for relief.

14 This Findings and Recommendation will be submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30) days**
16 after being served with this Findings and Recommendation, the parties may file written objections
17 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
18 Recommendation.” The parties are advised that failure to file objections within the specified time may
19 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
20 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

21
22 IT IS SO ORDERED.

23 Dated: **June 7, 2016**


24 UNITED STATES MAGISTRATE JUDGE