

1 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its own
2 docket; (3) the risk of prejudice to the defendants; (4) the public policy of 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, as a
8 result, there is no pleading on file which sets forth any claims upon which relief may be granted, and
9 the Court is left with no alternative but to dismiss the action for failure to state a cognizable claim for
10 relief. Id. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed, with
11 prejudice, for failure to state a cognizable claim for relief, and failure to prosecute.

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

19
20 IT IS SO ORDERED.

21 Dated: July 7, 2016


UNITED STATES MAGISTRATE JUDGE