

1 failure to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v.
2 Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule);
3 Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
4 comply with an order requiring amendment of a complaint); Carey v. King, 856 F.2d
5 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro
6 se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d
7 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); Henderson v.
8 Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
9 failure to comply with local rules).

10 In determining whether to dismiss an action for lack of prosecution, failure to obey
11 a court order, or failure to comply with local rules, the Court must consider several
12 factors: (1) the public's interest in expeditious resolution of litigation, (2) the Court's need
13 to manage its docket, (3) the risk of prejudice to the defendants, (4) the public policy
14 favoring disposition of cases on their merits, and (5) the availability of less drastic
15 alternatives. Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833
16 F.2d at 130; Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

17 In the instant case, the public's interest in expeditiously resolving this litigation
18 and the Court's interest in managing its docket weigh in favor of dismissal. The third
19 factor, risk of prejudice to Defendants, neither weighs for nor against dismissal since no
20 Defendant has yet to appear in this action. The fourth factor – public policy favoring
21 disposition of cases on their merits – is greatly outweighed by the factors in favor of
22 dismissal discussed herein. Finally, as for the availability of lesser sanctions, at this
23 stage in the proceedings there is little available which would constitute a satisfactory
24 lesser sanction while preserving scarce Court resources. Plaintiff has not paid the filing
25 fee for this action and is likely unable to pay, making monetary sanctions of little use.

26 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause in writing
27 within fourteen days from the date of this Order why this action should not be dismissed
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1 for failure to comply with a court order. Alternatively, Plaintiff may submit an amended
2 complaint.

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4 IT IS SO ORDERED.

5 Dated: January 3, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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