



1 District courts have the inherent power to control their dockets and “in the  
2 exercise of that power, they may impose sanctions including, where appropriate . . .  
3 dismissal of a case.” Thompson v. Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A  
4 court may dismiss an action, with prejudice, based on a party’s failure to prosecute,  
5 failure to obey a court order, or failure to comply with local rules. See, e.g., Ghazali v.  
6 Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule);  
7 Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to  
8 comply with an order requiring amendment of a complaint); Carey v. King, 856 F.2d  
9 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro  
10 se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d  
11 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); Henderson v.  
12 Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
13 failure to comply with local rules).

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

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

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall assign a  
4 district judge to this case; and

5 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice  
6 for Plaintiff's failure to comply with court orders.

7 These findings and recommendations will be submitted to the United States  
8 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §  
9 636(b)(1). Within fourteen (14) days after being served with the findings and  
10 recommendations, the parties may file written objections with the Court. The document  
11 should be captioned "Objections to Magistrate Judge's Findings and Recommendation."  
12 A party may respond to another party's objections by filing a response within fourteen  
13 (14) days after being served with a copy of that party's objections. The parties are  
14 advised that failure to file objections within the specified time may result in the waiver of  
15 rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter  
16 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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18 IT IS SO ORDERED.

19 Dated: January 19, 2017

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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