



1           Local Rule 110 provides that “failure of counsel or of a party to comply with these  
2 Rules or with any order of the Court may be grounds for imposition by the Court of any  
3 and all sanctions . . . within the inherent power of the Court.” District courts have the  
4 inherent power to control their dockets and, “in the exercise of that power, they may  
5 impose sanctions including, where appropriate, default or dismissal.” Thompson v.  
6 Housing Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with  
7 prejudice, based on a party’s failure to prosecute, failure to obey a court order, or failure  
8 to comply with local rules. See, e.g., Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)  
9 (dismissing for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-  
10 61 (9th Cir. 1992) (dismissing for failure to comply with an order requiring amendment of  
11 a complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissing for  
12 failure to comply with local rule requiring pro se plaintiffs to keep court apprised of  
13 address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissing  
14 for failure to comply with a court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th  
15 Cir. 1986) (dismissing for lack of prosecution and failure to comply with local rules).

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

23           In the instant case, the public’s interest in expeditiously resolving this litigation  
24 and the Court’s interest in managing its docket weigh in favor of dismissal. The third  
25 factor, risk of prejudice to Defendants, also weighs in favor of dismissal, since a  
26 presumption of injury arises from the occurrence of unreasonable delay in prosecuting  
27 this action. Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor –  
28 public policy favoring disposition of cases on their merits – is greatly outweighed by the

1 factors in favor of dismissal discussed herein. With respect to the availability of lesser  
2 sanctions, at this stage in the proceedings there is little available which would constitute  
3 a satisfactory lesser sanction while preserving scarce Court resources. Plaintiff has not  
4 paid the filing fee for this action and is likely unable to pay, making monetary sanctions  
5 of little use. Finally, the order to show cause warned Plaintiff that his failure to comply  
6 may result in dismissal, with prejudice. (ECF No. 16.) Thus, Plaintiff was on notice that  
7 his failure to communicate with the Court could result in dismissal of his complaint.

8 Based on the foregoing, it is HEREBY ORDERED THAT:

- 9 1. The action is DISMISSED, with prejudice, for failure to state a claim, failure  
10 to comply with the Court's orders (ECF Nos. 15, 16), and failure to  
11 prosecute; and  
12 2. The Clerk of Court is directed to terminate all pending motions and close  
13 the case.

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15 IT IS SO ORDERED.

16 Dated: August 23, 2017

17 /s/ Michael J. Seng  
18 UNITED STATES MAGISTRATE JUDGE  
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