



1 order, and that he “should only file an amended complaint if he believes his claims are  
2 cognizable.” (*Id.* at 6). The deadline for filing the amended complaint was set for July 17, 2017,  
3 and Plaintiff was warned that “[f]ailure to file an amended complaint by the date specified will  
4 result in dismissal of this action.” (*Id.*)

5 As of the date of these Findings and Recommendations, Plaintiff has not filed an amended  
6 complaint.

7 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules  
8 or with any order of the Court may be grounds for the imposition by the Court of any and all  
9 sanctions . . . within the inherent power of the Court.” District courts have the inherent power to  
10 control their dockets and “in the exercise of that power, they may impose sanctions including,  
11 where appropriate . . . dismissal.” *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986).  
12 A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a  
13 court order, or failure to comply with local rules. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54  
14 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258,  
15 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of  
16 complaint); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of  
17 prosecution and failure to comply with local rules).

18 To determine whether to dismiss an action for lack of prosecution, failure to obey a court  
19 order, or failure to comply with local rules, the court must consider several factors: (1) the  
20 public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket;  
21 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on  
22 their merits; and (5) the availability of less drastic alternatives. *Ghazali*, 46 F.3d at 53; *Ferdik*,  
23 963 F.2d at 1260-61; *Henderson*, 779 F.2d at 1423-24.

24 In the instant case, the Court finds that the public’s interest in expeditiously resolving this  
25 litigation and the Court’s interest in managing the docket weigh in favor of dismissal because the  
26 case has been pending since May 25, 2017, the date it was transferred to this District.  
27 Following the Court’s June 15, 2017 Order, however, Plaintiff has shown no interest in  
28 participating in the litigation any further. The third factor, risk of prejudice to defendants, also

1 weighs in favor of dismissal because a presumption of injury arises from any unreasonable delay  
2 in prosecuting an action. *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth  
3 factor, public policy favoring disposition of cases on their merits, is outweighed by the factors in  
4 favor of dismissal. Finally, a court's warning to a party that her failure to obey the court's order  
5 will result in dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d  
6 at 1262; *Henderson*, 779 F.2d at 1424. The Court's June 15, 2017 Order stated that the case  
7 would be dismissed if Plaintiff failed to file an amended complaint. (ECF No. 20.) Moreover,  
8 there are few sanctions that could compel Plaintiffs to prosecute an action that they are simply  
9 uninterested in pursuing, particular at this early stage of litigation.

10 Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED for  
11 Plaintiffs' failure to state a claim, failure to prosecute, and failure to comply with the Court's June  
12 15, 2017 Order.

13 These findings and recommendations will be submitted to the United States District Judge  
14 assigned to this case pursuant to the provisions of Title 28 of the United States Code section  
15 636(b)(1). Within **fourteen (14)** days after being served with these findings and  
16 recommendations, the parties may file written objections with the Court. The document should be  
17 captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are  
18 advised that failure to file objections within the specified time may waive the right to appeal the  
19 District Court's order. *Bastidas v. Chappell*, 791 F.3d 1155, 1159 (9th Cir. 2015).

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21 IT IS SO ORDERED.

22 Dated: July 31, 2017

23 /s/ Eric P. Gray  
24 UNITED STATES MAGISTRATE JUDGE  
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