

1 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases
2 on their merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA)
3 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted).
4 These factors guide a court in deciding what to do, and are not conditions that must be met in order for
5 a court to take action. Id. (citation omitted).

6 Based on Plaintiff’s failure to comply with or otherwise respond to the Court’s order, the Court
7 is left with no alternative but to recommend dismissal of the action. Id. This action can proceed no
8 further without Plaintiff’s cooperation and compliance with the order at issue, and the action cannot
9 simply remain idle on the Court’s docket, unprosecuted. Id.

10 Accordingly, this action is HEREBY RECOMMENDED that:

- 11 1. This action be dismissed for failure to comply with a court order; and
- 12 2. The Clerk of Court is directed to randomly assign a District Judge to this action

13 This Findings and Recommendation will be submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
15 after being served with this Findings and Recommendation, Plaintiff may file written objections with
16 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
17 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may
18 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
19 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

20
21 IT IS SO ORDERED.

22 Dated: March 12, 2018



UNITED STATES MAGISTRATE JUDGE