

1 court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of*
2 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice,
3 based on a party's failure to prosecute an action or failure to obey a court order, or failure to
4 comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
5 (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S.*
6 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court
7 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
8 prosecute and to comply with local rules).

9 Based on Plaintiff's failure to comply with or otherwise respond to both the order to file
10 an application to proceed *in forma pauperis* or the filing fee as well as the OSC, there is no
11 alternative but to dismiss the action for Plaintiff's failure to respond to/obey a court order and for
12 failure to prosecute. Accordingly, the Court RECOMMENDS that this action be dismissed, with
13 prejudice, for Plaintiff's failure both to obey a court order and to prosecute this action. 42 U.S.C.
14 § 1997e (a). The Clerk of the Court is directed to assign a District Judge to this action.

15 These Findings and Recommendations will be submitted to the United States District
16 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 21**
17 **days** after being served with these Findings and Recommendations, Plaintiff may file written
18 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
19 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
20 specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834,
21 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

22 IT IS SO ORDERED.

23
24 Dated: September 11, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE