

1 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
2 merits; and (5) the availability of less drastic sanctions.” In re Phenylpropanolamine (PPA) Prod. Liab.
3 Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (internal quotations and citations omitted). These factors
4 guide a court in deciding what to do and are not conditions that must be met in order for a court to take
5 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 dismiss the action for failure to prosecute. Id. This action can proceed
8 no 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. Accordingly, it is HEREBY
10 RECOMMENDED this action be DISMISSED, for failure to obey a court order, failure to prosecute,
11 and for failure to state a cognizable claim for relief.

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

19
20 IT IS SO ORDERED.

21 Dated: October 10, 2019


22 UNITED STATES MAGISTRATE JUDGE