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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCIES WEBB,

NO. CIV. S-11-0516 LKK/GGH

Plaintiff,

v.

O R D E R

WACHOVIA MORTGAGE, a
division of WELLS FARGO
BANK, N.A., et al.,

Defendants.

_____ /

This court previously granted plaintiff's counsel's motion to withdraw. In counsel's motion to withdraw, filed on September 28, 2011, counsel stated that he had attempted to contact plaintiff by telephone and letter, and that plaintiff had not responded.

On November 4, 2011, this court issued an order granting plaintiff one hundred twenty (120) days to find replacement counsel and notify the court of the name of her new counsel, or if she elects to proceed without counsel. ECF No. 36. The order cautioned plaintiff that failure to notify the court may result in dismissal of this case for lack of prosecution. Id. The 120 days expired on

1 March 3, 2012, and plaintiff has not notified the court of her new
2 counsel or election to proceed without counsel.

3 A district court may dismiss an action for plaintiff's failure
4 to prosecute or to comply with the Federal Rules of Civil Procedure
5 or with a court order." Fed. R. Civ. P. 41(b). District courts must
6 "weigh several factors in determining whether to dismiss this case
7 for lack of prosecution: (1) the public's interest in expeditious
8 resolution of litigation; (2) the court's need to manage its
9 docket; (3) the risk of prejudice to the defendants; (4) the public
10 policy favoring disposition of cases on their merits and (5) the
11 availability of less drastic sanctions." Henderson v. Duncan, 779
12 F.2d 1421, 1423 (9th Cir. 1986).

13 Defendant Wachovia filed a motion to dismiss the complaint in
14 March 2011. The court has already delayed ruling on the motion
15 several times due to plaintiff's failure to file an opposition or
16 statement of non-opposition. Plaintiff's counsel was already
17 monetarily sanctioned in this matter, and plaintiff has previously
18 been cautioned that the case could be dismissed as a sanction for
19 failure to comply with the Local Rules. The court finds that the
20 following factors weigh in favor of dismissing this case: the
21 public's interest in expeditious resolution of litigation, the
22 court's need to manage its docket, and the availability of less
23 drastic sanctions.

24 Accordingly, plaintiff's action is DISMISSED without prejudice
25 for lack of prosecution.

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IT IS SO ORDERED.

DATED: March 15, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT