

1 “The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because
2 of his failure to prosecute cannot seriously be doubted.” *Link v. Wabash R. Co.*, 370 U.S. 626,
3 629 (1962). The Ninth Circuit has set forth five factors that a district court must consider before
4 dismissing a case for failure to prosecute:

5 [1] the court’s need to manage its docket, [2] the public interest in
6 expeditious resolution of litigation, [3] the risk of prejudice to
7 defendants from delay, [4] the policy favoring disposition of cases
8 on their merits.

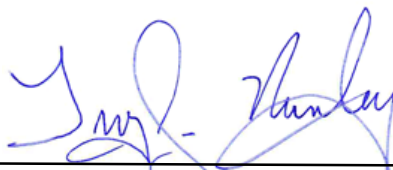
9 *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 651 (9th Cir. 1991). For the reasons set forth
10 below, the Court finds that these factors weigh in favor of dismissing this case.

11 First, the Court has an inherent need to manage its docket. Appellant filed this case in
12 September of 2013, and still has not filed his opening brief. In contrast, Appellee has been
13 diligent in its defense. (*See* Appellee’s Brief, ECF No. 20.) Consequently, the Court finds that
14 this factor weighs in favor of dismissing this case. Second, the public’s interest in expeditious
15 resolution of litigation also favors dismissing this case because the Court is wasting its time and
16 resources attempting to compel Appellant’s cooperation in litigating his own case. Third,
17 Appellant’s repeated failure to respond to correspondence prevents Appellees from seeking some
18 sort of resolution. Finally, although the disposition of cases based on their merits is preferred, it
19 is unlikely that such is an option here. The Court simply cannot move forward without
20 Appellant’s assistance.

21 Thus, for the aforementioned reasons, the Court finds that all four factors support
22 dismissing Appellant’s case. As such the Court hereby DISMISSES all pending claims against
23 Appellees in this action. This case is CLOSED.

24 IT IS SO ORDERED.

25 Dated: August 26, 2014

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28 Troy L. Nunley
United States District Judge