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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JULIE CHAVEZ,

No. 2:14-CV-2327-CMK

Plaintiff,

vs.

ORDER

TRAVELERS PROPERTY
CASUALTY INSURANCE
COMPANY,

Defendant.

_____ /

Plaintiff, who is proceeding pro se, brings this civil action. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

Plaintiff failed to appear at a scheduling/status conference on December 16, 2015, and, on January 20, 2016, the court directed plaintiff to show cause within 30 days why this action should not be dismissed. That order, mailed to plaintiff’s address of record, was returned undelivered with a note that plaintiff had moved and left no forwarding address. To date, plaintiff has not responded to the order to show cause or otherwise communicated with the court regarding the status of this case.

1 The court must weigh five factors before imposing the harsh sanction of
2 dismissal. See Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v.
3 U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's
4 interest in expeditious resolution of litigation; (2) the court's need to manage its own docket;
5 (3) the risk of prejudice to opposing parties; (4) the public policy favoring disposition of cases on
6 their merits; and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran,
7 46 F.3d 52, 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an
8 appropriate sanction is considered a less drastic alternative sufficient to satisfy the last factor.
9 See Malone, 833 F.2d at 132-33 & n.1.

10 In this case, plaintiff has made no effort to explain her failure to appear at the
11 December 16, 2015, hearing. Additionally, it appears that plaintiff has moved and not advised
12 the court of her new address. Given the foregoing, and in light of repeated warning to plaintiff
13 concerning the consequences of failing to prosecute this action or comply with court rules and
14 orders, the court finds that dismissal of the action is now appropriate.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. This action is dismissed, without prejudice, for lack of prosecution and
17 failure to comply with court rules and orders; and

18 2. The Clerk of the Court is directed to enter judgment and close this file.

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20 DATED: May 16, 2016

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22 **CRAIG M. KELLISON**
23 UNITED STATES MAGISTRATE JUDGE
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