

1 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an appropriate
2 sanction is considered a less drastic alternative sufficient to satisfy the last factor. See Malone,
3 833 F.2d at 132-33 & n.1. The sanction of dismissal for lack of prosecution is appropriate where
4 there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir.
5 1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an
6 order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir.
7 1992).

8 Having considered these factors, and in light of Plaintiff's failure to file a second
9 amended complaint as directed, the Court finds that dismissal of this action is appropriate.

10 Based on the foregoing, the undersigned recommends that this action be dismissed,
11 without prejudice, for lack of prosecution and failure to comply with court rules and orders.

12 These findings and recommendations are submitted to the United States District
13 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court. Responses to objections shall be filed within 14 days after service of
16 objections. Failure to file objections within the specified time may waive the right to appeal. See
17 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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20 Dated: October 16, 2020



21 DENNIS M. COTA
22 UNITED STATES MAGISTRATE JUDGE