

1 expeditious resolution of litigation”; (2) its own need to manage its docket; (3) “the risk of
2 prejudice to the defendants”; (4) the policy in favor of resolving claims on their merits; and (5)
3 whether less drastic sanctions are available. *In re Phenylpropanolamine (PPA) Products Liab.*
4 *Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006). These considerations are not a checklist; they present
5 a district court with a way “to think about what to do.” *Id.* (citation and quotation marks omitted).
6 The decision is one of discretion. *See id.*

7 Here the Carrascos have had many opportunities to amend their pleadings and
8 obtain the defendants’ appearances or seek default judgment. Their original complaint was filed
9 more than a year ago and only recently did Statewide Collections answer. The court is aware of
10 no prejudice to other defendants, and the case will now proceed on the claims against Statewide
11 Collections. The court has previously warned that the case may be dismissed if it is not
12 prosecuted. The claims against defendants Benner and Franklin are therefore **dismissed without**
13 **prejudice.**

14 IT IS SO ORDERED.

15 DATED: August 4, 2016

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19 UNITED STATES DISTRICT JUDGE
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