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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 No. 2:15-cv-01419-KJM-KJN 11 ANTHONY CARRASCO, et al., **ORDER** 12 Plaintiffs, 13 v. 14 STATEWIDE COLLECTIONS, INC., et al., 15 Defendants. 16 17 On July 19, 2016, the court ordered plaintiffs Anthony and Kimberly Carrasco to 18 19 show cause within fourteen days why this case should not be dismissed for failure to prosecute, or alternatively to move for default judgment. ECF No. 24. At that time, the Carrascos had filed a 20 second amended complaint, but no defendants had appeared, and the court had previously ordered 21 them to show cause why the case should not be dismissed for failure to prosecute. ECF Nos. 6, 9, 22 23 14. On July 27, 2016, defendant Statewide Collections, Inc. filed an answer. ECF No. 25. The other defendants, Linda Benner and John Franklin, have not appeared, and the Carrascos have not 24 responded to the court's order to show cause and have not moved for default judgment. 25 A district court may dismiss claims on its own motion if a plaintiff does not take 26

| 1  | expeditious resolution of litigation"; (2) its own need to manage its docket; (3) "the risk of              |
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| 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." <i>Id.</i> (citation and quotation marks omitted). |
| 6  | The decision is one of discretion. <i>See id</i> .  |
| 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   |
| 16 | MA MILLO  |
| 17 | UNITED STATES DISTRICT JUDGE  |
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