



1 sanction is considered a less drastic alternative sufficient to satisfy the last factor. See Malone,  
2 833 F.2d at 132-33 & n.1. The sanction of dismissal for lack of prosecution is appropriate where  
3 there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir.  
4 1986).

5 Having considered these factors, and in light of Plaintiff's failure to file a status  
6 report as directed, the Court finds that dismissal of this action is appropriate.

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

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

15  
16 Dated: January 5, 2023



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18 DENNIS M. COTA  
19 UNITED STATES MAGISTRATE JUDGE  
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