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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Scott Johnson,

Plaintiff,

v.

Haneshinder Singh Chauhan,

Defendant.

No. 2:17-cv-00138-KJM-AC

ORDER

On May 18, 2021, plaintiff Scott Johnson requested an entry of default as to defendant Haneshinder Singh Chauhan. Req. for Entry of Default, ECF No. 66. The Clerk of Court declined the request, ECF No. 67, and the court directed Johnson to cure the identified deficiencies and renew the request by June 25, 2021. Minute Order, ECF No. 68. The court warned that it “anticipate[d] dismissing the case against defendant Haneshinder Singh Chauhan” for failure to prosecute if Johnson did not cure the deficiencies and “adequately brief the issue of damages.” *Id.* Johnson did not file a renewed request for default. On September 28, 2021, the court ordered Johnson to show cause, within fourteen days, why this case should not be dismissed for lack of prosecution under Federal Rule of Civil Procedure 41(b). With the fourteen days now expired, Johnson has filed only two documents: a notice of appearance by a new attorney, ECF No. 70, and a renewed request for entry of default, ECF No. 71. The Clerk’s office once again declined the request. ECF No. 72. Johnson has neither addressed the order to show cause nor

1 cured the defects of his request, as his renewed filing is the identical to the prior, apart from the  
2 attorney signature.

3 In deciding to dismiss a case for failure to comply with a court order, the court considers  
4 five factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to  
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v.*  
7 *Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992), as amended (May 22, 1992) (citation omitted).  
8 “[I]t is not required that the district court make explicit findings in order to show that it has  
9 considered these factors.” *Id.* Having considered the relevant factors, the court **dismisses the**  
10 **case against Haneshinder Singh Chauhan for Johnson’s failure to comply with court orders**  
11 **and prosecute the case.**

12 All other defendants are terminated. *See* ECF No. 62.

13 The clerk is directed to close the case.

14 IT IS SO ORDERED.

15 DATED: October 19, 2021.

16   
CHIEF UNITED STATES DISTRICT JUDGE