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8	IN THE UNITED ST	ATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	ROBERT LEE TWOFEATHERS,	No. 2:18-CV-3177-MCE-DMC-P
12	Plaintiff,	
13	v.	FINDINGS AND RECOMMENDATIONS
14	SACRAMENTO COUNTY SHERIFF	
15	DEPARTMENT,	
16	Defendant.	
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18	Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to	
19	42 U.S.C. § 1983. On January 11, 2019, the court directed plaintiff to file an amended complaint	
20	within 30 days. Plaintiff was warned that failure to file an amended complaint may result in	
21	dismissal of this action for lack of prosecution and failure to comply with court rules and orders.	
22	See Local Rule 110. To date, plaintiff has not complied.	
23	The court must weigh five factors before imposing the harsh sanction of dismissal.	
24	See Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v. U.S. Postal	
25	Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in	
26	expeditious resolution of litigation; (2) the court's need to manage its own docket; (3) the risk of	
27	prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits;	
28	and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran, 46 F.3d 52,	
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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 an	
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)(l). 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: March 4, 2019	
21	DENNIS M. COTA	
22	UNITED STATES MAGISTRATE JUDGE	
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