

1 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits;
2 and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran, 46 F.3d 52,
3 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an appropriate
4 sanction is considered a less drastic alternative sufficient to satisfy the last factor. See Malone,
5 833 F.2d at 132-33 & n.1. The sanction of dismissal for lack of prosecution is appropriate where
6 there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir.
7 1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an
8 order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir.
9 1992).

10 Having considered these factors, and in light of Plaintiff's failure to respond to the
11 Court's order to show cause or prosecute this case, dismissal of this action is appropriate.

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

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

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21 Dated: July 24, 2023



22 DENNIS M. COTA
23 UNITED STATES MAGISTRATE JUDGE
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