

1 **Legal Standard**

2 Eastern District Local Rule 183(a) provides, in part:

3 Any individual representing himself [] without an attorney is bound by the Federal
4 Rules of Civil or Criminal Procedure, these Rules, and all other applicable law.
5 All obligations placed on “counsel” by these Rules apply to individuals appearing
6 in propria persona. Failure to comply therewith may be ground for dismissal,
7 judgment by default, or any other sanction appropriate under these Rules.

8 See also King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se litigants must follow the
9 same rules of procedure that govern other litigants”) (overruled on other grounds). A district
10 court may impose sanctions, including involuntary dismissal of a plaintiff’s case pursuant to
11 Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute his or her case or
12 fails to comply with the court’s orders, the Federal Rules of Civil Procedure, or the court’s local
13 rules. See Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991) (recognizing that a court “may act
14 sua sponte to dismiss a suit for failure to prosecute”); Hells Canyon Preservation Council v. U.S.
15 Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (stating that courts may dismiss an action
16 pursuant to Federal Rule of Civil Procedure 41(b) sua sponte for a plaintiff’s failure to prosecute
17 or comply with the rules of civil procedure or the court’s orders); Ghazali v. Moran, 46 F.3d 52,
18 53 (9th Cir. 1995) (per curiam) (“Failure to follow a district court’s local rules is a proper ground
19 for dismissal.”); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) (“Pursuant to Federal
20 Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with
21 any order of the court.”); Thompson v. Housing Auth. of City of L.A., 782 F.2d 829, 831 (9th
22 Cir. 1986) (per curiam) (stating that district courts have inherent power to control their dockets
23 and may impose sanctions including dismissal or default).

24 A court must weigh five factors in determining whether to dismiss a case for failure to
25 prosecute, failure to comply with a court order, or failure to comply with a district court’s local
26 rules. See, e.g., Ferdik, 963 F.2d at 1260. Specifically, the court must consider:

- 27 (1) the public’s interest in expeditious resolution of litigation; (2)
28 the court’s need to manage its docket; (3) the risk of prejudice to
 the defendants; (4) the public policy favoring disposition of cases
 on their merits; and (5) the availability of less drastic alternatives.

Id. at 1260-61; accord Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir. 2002).

1 shall be served on all parties and filed with the court within fourteen (14) days after service of the
2 objections. The parties are advised that failure to file objections within the specified time may
3 waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th
4 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

5 **ORDER**

6 In light of those recommendations, IT IS ALSO HEREBY ORDERED that all pleading,
7 discovery, and motion practice in this action are stayed pending resolution of the findings and
8 recommendations. With the exception of objections to the findings and recommendations and
9 any non-frivolous motions for emergency relief, the court will not entertain or respond to any
10 motions and other filings until the findings and recommendations are resolved.

11 Dated: February 6, 2024



12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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