

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIALARRY RICHARDS,
Plaintiff,

v.

SHAUN DONOVAN, et al.,
Defendants.Case No. [14-cv-03296-RS](#)**ORDER OF DISMISSAL FOR FAILURE
TO PROSECUTE**

On July 28, 2014, plaintiff Larry Richards informed the Court that the original complaint was filed in error and requested 30 days to file an amended complaint. Richards' request was granted; however, no amendment was received by the date indicated. The Court issued a further order providing that no later than September 15, 2014, Richards was to file either (1) a voluntary dismissal of this action; (2) an amended complaint; or (3) a statement that he intends to stand on the original complaint. The Court further informed Richards that if he failed to file anything on or before September 15, 2014, this action would be dismissed without further notice for failure to prosecute.

“When considering whether to dismiss a case for lack of prosecution, the district court must weigh the court’s need to manage its docket, the public interest in expeditious resolution of litigation, and the risk of prejudice to the defendants against the policy favoring disposition of cases on their merits, and the availability of less drastic sanctions.” *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984). Having considered the five factors set forth in *Ash*, and in view of plaintiff’s lack of response to this Court’s prior orders, dismissal is the appropriate course in this matter. Accordingly, this action is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for plaintiff’s failure to prosecute.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: September 22, 2014



RICHARD SEEBORG
United States District Judge