

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYRUS LAFARRE,
Appellant,
v.
JOSEPHINE SHOOK,
Appellee.

Case No. 16-cv-06246-VC

ORDER DISMISSING CASE

On July 13, 2017, the Court issued an order extending until August 8, 2017 the deadline for Cyrus LaFarre to file his opening brief. The order cautioned that, if the opening brief was not filed by this deadline, the Court would promptly dismiss the case for failure to prosecute. No opening brief has yet been filed.

The Court has weighed the factors relevant to the decision whether to dismiss a case for failure to prosecute and concludes dismissal is warranted. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). The first three factors – the public's interest in expeditious resolution of litigation, the court's need to manage its docket, and the risk of prejudice to the appellee – weigh in favor of dismissal. No alternative less drastic than dismissal is appropriate here, given LaFarre's notice that the case would be dismissed unless he met the deadline. The fifth factor, the public policy favoring disposition of cases on their merits, weighs in favor of LaFarre, but not so strongly that it outweighs the factors counseling in favor of dismissal. Accordingly, the appeal is dismissed with prejudice for failure to prosecute. *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-30 (1962); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: August 21, 2017



VINCE CHHABRIA
United States District Judge