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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY L. WILLIAMS,  
Plaintiff,  
v.  
U.S. AIRWAYS, et al.,  
Defendants.

Case No. [3:17-cv-05617-JD](#)

**ORDER OF DISMISSAL FOR FAILURE  
TO PROSECUTE**

Re: Dkt. No. 17

The defendant filed a motion to dismiss on October 5, 2017. Dkt. No. 12. Williams's response was initially due by October 19. Williams did not file a response but filed a motion to remand on October 20. Dkt. No. 15. The Court extended Williams's deadline to respond to the motion to dismiss and advised him that the Court would grant the motion if he failed to timely oppose. Dkt. No. 17. As of November 14, Williams has not filed an opposition.

The Court has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). The Court finds that notwithstanding the public policy favoring the disposition of actions on their merits, the Court's need to manage its docket and the public interest in the expeditious resolution of the litigation require dismissal of this action. In light of the plaintiff's continued failure to respond to the defendant's motion, the Court finds there is no appropriate less drastic sanction. This action is dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(b) for plaintiff's failure to prosecute.

**IT IS SO ORDERED.**

Dated: November 14, 2017

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 ANTHONY L. WILLIAMS,  
4 Plaintiff,  
5  
6 v.  
7 U.S. AIRWAYS, et al.,  
8 Defendants.

Case No. [17-cv-05617-JD](#)

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on November 14, 2017, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 Anthony L. Williams  
18 2811 Nicole Avenue  
19 #6  
20 Oakland, CA 94602

21 Dated: November 14, 2017

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO