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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**SAID MAJLESSI,**  
Plaintiff,  
v.  
**PUBLIC STORAGE CO., et al.,**  
Defendants.

Case No.: 15-CV-2092 YGR  
**ORDER DISMISSING ACTION FOR FAILURE  
TO PROSECUTE**

Plaintiff Said Majlessi, proceeding *pro se*, brings this action against Public Storage Company and PSSC Insurance Solutions. By order dated November 5, 2015, the Court directed Plaintiff to amend his complaint to allege subject matter jurisdiction properly. (Dkt. No. 16.) On Plaintiff's request the Court granted him an extension through January 29, 2016 to file his amended complaint. (Dkt. No. 18.) Plaintiff did not comply. Further, the Court set a Case Management Conference for March 7, 2016 (Dkt. No. 19), and Plaintiff failed to file any statement, otherwise contact the Court in response thereto, or attend the scheduled conference (*see* Dkt. No. 20.) The Court thereafter issued an Order to Show Cause why this action should not be dismissed for failure to prosecute. (Dkt. No. 21.) As of the date of this Order, Plaintiff has not filed any response to the Court's Order to Show Cause.

Pursuant to Rule 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633 (1962) (recognizing courts' inherent authority to dismiss for lack of prosecution); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (same). But such a dismissal should only be ordered when the failure to comply is unreasonable. *McKeever*, 932 F.2d at 797. A district court should afford the litigant

1 prior notice of its intention to dismiss. *See Malone v. United States Postal Serv.*, 833 F.2d 128,  
2 132-33 (9th Cir. 1987).


3 Here, the Court warned Plaintiff in its Order to Show Cause dated March 7, 2016 that it was  
4 considering dismissing his lawsuit for failure to prosecute this action. Plaintiff has continued to  
5 miss deadlines and to date has not met his obligation to amend his complaint and assert subject  
6 matter jurisdiction properly. Furthermore, it has been more than four months since Plaintiff has  
7 communicated with the Court. Accordingly, it is in the interests of justice and judicial efficiency to  
8 dismiss this action pursuant to Rule 41(b) for failure to prosecute.

9 This action is therefore **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

10 This Order terminates this case.

11 **IT IS SO ORDERED.**

12 Date: April 4, 2016

13   
14 YVONNE GONZALEZ ROGERS  
15 UNITED STATES DISTRICT COURT JUDGE