

United States District Court
Northern District of California

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON M. WEIL,
Plaintiff,
v.
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY,
Defendant.

Case No.17-cv-03306-YGR

**ORDER OF DISMISSAL FOR FAILURE
TO PROSECUTE**

On February 13, 2018, this Court ordered plaintiff Aaron M. Weil to show cause why this case should “not be dismissed for failure to prosecute given the lack of communications with his lawyer, namely Mark F. Anderson, by **February 27, 2018.**” (Dkt. No. 53 (emphasis in original).) Plaintiff failed to respond. On March 6, 2018, this Court held a hearing on the order to show cause. (*Id.*) Plaintiff did not appear.

The court having considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987), and having determined 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 view of plaintiff’s lack of response to this court’s prior order(s), the court finds there is no appropriate less drastic sanction. Accordingly, this action is dismissed without prejudice pursuant to Fed. R. Civ. Pro. 41(b) for plaintiff’s failure to prosecute.

IT IS SO ORDERED.

Dated: March 8, 2018


YVONNE GONZALEZ ROGERS
United States District Judge