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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GARY EASLEY,

CASE NO. 5:10-cv-05520 EJD

**ORDER DISMISSING CASE**

Plaintiff(s),

v.

COUNTY OF SAN BENITO, et. al.,

Defendant(s).

On May 17, 2013, the court ordered Plaintiff to show cause in writing by May 28, 2013, why this action should not be dismissed for failure to prosecute after Plaintiff failed, for a second time, to file documents in anticipation of a jury trial according to the Amended Pretrial Order. See Docket Item No. 94. The court informed Plaintiff that a jury trial could not commence without his pre-trial documents, and further advised Plaintiff that this case would be dismissed if he did not respond or otherwise demonstrate good cause for his failure to comply with the court's orders. Id.

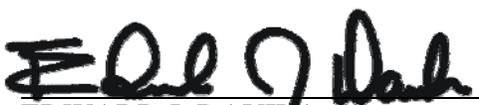
Plaintiff has not complied with the show cause order as directed. In addition, the court has considered and weighed the factors designated by the Ninth Circuit in Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992), and finds that the first three factors - the public's interest in expeditious resolution of litigation, the court's need to manage its impacted docket, and the risk of prejudice to the Defendants - outweigh the public policy favoring a disposition on the merits. The court also finds that less drastic sanctions are now unavailable since the case cannot move forward without Plaintiff's participation in the pre-trial process.

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Accordingly, this case is DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). All hearings and other deadlines are VACATED. Judgment will be entered in favor of Defendants and the Clerk shall close this file.

**IT IS SO ORDERED.**

Dated: May 29, 2013

  
EDWARD J. DAVILA  
United States District Judge