

1 The Ninth Circuit has held a district court may properly grant an unopposed motion to dismiss
2 pursuant to a local rule where the local rule permits, but does not require, the granting of a motion for
3 failure to respond. *See generally, Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Local Civil Rule
4 7.1(f)(3)(c) provides that “[i]f an opposing party fails to file papers in the manner required by Local
5 Rule 7.1(e)(2), that failure may constitute a consent to the granting of that motion or other ruling by
6 the court.” As such, the Court has the option of granting Defendant Jones’s motion on the basis of
7 Plaintiff’s failure to respond, and it chooses to do so.

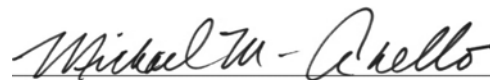
8 Generally, public policy favors disposition of cases on their merits. *See, e.g., Hernandez v. City*
9 *of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998). However, a case cannot move forward toward
10 resolution on the merits when the plaintiff fails to defend his or her complaint against a Rule 12(b)(6)
11 motion. Thus, this policy lends little support to a party whose responsibility it is to move a case toward
12 disposition on the merits but whose conduct impedes or completely prevents progress in that direction.
13 *See In re Eisen*, 31 F.3d 1447, 1454 (9th Cir. 1994). In addition, management of this Court’s docket
14 is of vital significance to the proper and timely resolution of matters before it. Consequently, the Court
15 finds dismissal of Defendant Jones from this action pursuant to Local Civil Rule 7.1(f)(3)(c) serves
16 to facilitate the management of its docket in light of the fact that this case has spurred extensive
17 motion practice, and the Court has an otherwise heavy caseload.

18 **CONCLUSION**

19 For the reasons set forth above, the Court **GRANTS** Defendant Jones’s motion to dismiss the
20 complaint. The Clerk of Court is ordered to terminate Jones as a Defendant to this action.

21 **IT IS SO ORDERED.**

22 DATED: November 5, 2009

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24 Hon. Michael M. Anello
25 United States District Judge