

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BESSIE LEE-FREITAS PREGANA;
BRIAN JOSEPH PREGANA, SR.,

Plaintiffs,

vs.

CITIMORTGAGE, INC.; STEVEN T.
IWAMURA; ROBERT M. EHRHORN,
JR.; KEN OHARA; LORI K. STIBB,

Defendants.

CIVIL NO. 14-00226 DKW-KSC

ORDER DISMISSING CASE

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On May 21, 2014, the magistrate judge entered an Order Denying Plaintiff's Application to Proceed In Forma Pauperis. The May 21, 2014 Order directed Plaintiffs to remit the filing fee by June 4, 2014, and cautioned that failure to do so would result in the dismissal of this action. As of the date of this order, Plaintiffs have not paid the required filing fee.

Federal Rule of Civil Procedure 41(b) authorizes involuntary dismissal for failure "to prosecute or to comply with [the federal] rules or a court order." Fed.R.Civ.P. 41(b). To determine whether dismissal is appropriate, the Court must

consider five factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.” *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). The public interest in expeditious resolution of this litigation and the Court’s interest in managing its docket outweigh the policy favoring disposition of cases on the merits. The Court finds that the balance of the five factors weighs in favor of dismissal.

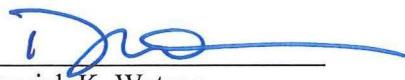
Here, dismissal is appropriate given Plaintiffs’ failure to pay the required filing fee and to comply with previous court orders. *See In re Perroton*, 958 F.2d 889 (9th Cir. 1992) (affirming dismissal of pro se litigant’s appeal for failure to pay required filing fee); *see also Hamrick v. Fukino*, 2009 WL 1404535, at *2 (D. Haw. May 20, 2009) (holding that plaintiff’s failure to pay the filing fee or file an application to proceed in forma pauperis were sufficient grounds to recommend dismissal of the action).

Accordingly, the Court hereby ORDERS that the case be dismissed without prejudice.

IT IS SO ORDERED.

DATED: June 12, 2014, at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge

Bessie Lee-Freitas Pregana, et al. v. CitiMortgage, Inc.; et al.; CV 14-00226
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