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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JONATHAN LEE RICHES,
Plaintiff,

vs.
DEFCON, et al.,
Defendants.

Case No.: 2:06-CV-293-BES-PAL

ORDER

The Court ordered (#2) Plaintiff to file an application to proceed in forma pauperis or to pay the filing fee. Plaintiff has not complied within the allotted time.

“Before dismissing the action, the district court is required to weigh several 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 the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal. This action simply cannot proceed without Plaintiff first resolving his financial situation, and Plaintiff has not taken the opportunity to do just that. Defendants, who have not appeared, will suffer no prejudice.

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IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's Order #2. The Clerk of the Court shall enter judgment accordingly.

DATED this 3rd day of May, 2007.



BRIAN SANDOVAL
United States District Judge