## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

DOMINICK A. GRAVES,

Plaintiff,

vs.

CARRIAGE PARK VILLAS, et al.,

Defendants.

Defendants.

Presently before the court is defendant Carriage Park Villa's motion to dismiss plaintiff's complaint. (Doc. #10). Defendant Adobe Villas filed a joinder to the motion to dismiss. (Doc. #14). To date, no response has been filed by the plaintiff, and on March 7, 2011, the court received a notice that mail to the plaintiff had been returned as undeliverable. (Doc. #9).

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, 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 of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*,

46 F.3d 52, 53 (9th Cir. 1995).

In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the court finds dismissal appropriate. Furthermore, plaintiff has failed to abide by his duty to update the court as to any changes in address. *See* LSR 2-2 ("The plaintiff shall immediately file with the court written notification of any change of address.").

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants's motion to dismiss (doc. #10) is GRANTED. The case is hereby dismissed as to defendants Carriage Park Villas and Adobe Villas.

DATED this 12<sup>th</sup> day of April, 2011.

UN TED STATES DISTRICT JUDGE