Doc. 29 CWH Gaines v. Lee et al 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 DISTRICT OF NEVADA 9 10 11 ANGELA GAINS, 12 Plaintiff, 2:11-cv-00575-JCM-LRL 13 VS. **ORDER** 14 JESSICA LEE, et al., 15 Defendants. 16 17 Presently before the court is defendants Lea Baker, Joel Farina, Jessica Lee, and Rick Rose's 18 motion to dismiss plaintiff Angela Gaines's complaint. (Doc. #21). Ms. Gaines has failed to file a 19 response. 20 Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion 21 constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. U.S. 22 v. Warren, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required 23 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 24 disposition of cases of their merits; and (5) the availability of less drastic sanctions." Ghazali v. Moran, 25 26 46 F.3d 52, 53 (9th Cir. 1995) (citing Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of the plaintiff's failure to respond and weighing the factors identified in Ghazali, the court finds dismissal appropriate. Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to dismiss (doc. #21) be, and the same hereby is, GRANTED. DATED October 20, 2011.