

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted 1 2 as true, to 'state a claim for relief that is plausible on its face." Ashcroft v. Iqbal, 129 S. Ct. 1937, 3 1949 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). "Where a 4 complaint pleads facts that are 'merely consistent' with a defendant's liability, it 'stops short of the 5 line between possibility and plausibility of entitlement to relief." Id. (citing Bell Atlantic, 550 U.S. at 557). However, where there are well pled factual allegations, the court should assume their 6 7 veracity and determine if they give rise to relief. Id. at 1950. 8 Pursuant to Local Rule 7-2(d), 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) (citing *Henderson v. Duncan*, 779 F.2d

15 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,

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19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Clark County's
20 motion to dismiss (doc. # 12) be, and the same hereby, is GRANTED.

IT IS FURTHER ORDERED that defendant Clark County is dismissed from the actionwithout prejudice.

DATED July 3, 2013.

Elles C. Mahan

UNITED STATES DISTRICT JUDGE