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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEDEDIAN BELLOT,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:13-cv-0060-APG-VCF

ORDER DISMISSING CASE

(Dkt. #20)

On June 21, 2013, Magistrate Judge Ferenbach entered his Order (1) granting the Defendants' Motion to Compel, (2) granting the Defendants' Motion for Attorney Fees and Costs, and (3) granting Plaintiff's counsel's Motion to Withdraw as Attorney of Record. [Dkt. #19] Judge Ferenbach's Order recites Plaintiff's failure to comply with his discovery obligations and to prosecute his case. Judge Ferenbach ordered Plaintiff to respond to the outstanding discovery requests and to pay \$655.00 to Defendants' counsel for attorney costs and fees. [*Id.* at 4:4-8.] Judge Ferenbach specifically stated that "[i]f Plaintiff fails to perform in accordance with this Order, the Court will presume that Plaintiff is no longer interested in pursuing his claim and will recommend dismissal of the action in full." [Dkt. #19 at 3:18-20.]

Plaintiff has failed to comply with that Order, has failed to prosecute his claims, and has failed to contact Defendants' counsel. [Dkt. #20 at 3:14-22.] Accordingly, on August 2, 2013, Defendants filed their Motion for Involuntary Dismissal. [Dkt. #20.] Plaintiff filed no opposition to the Motion. Pursuant to LR 7-2(d), the "failure of an

1 opposing party to file points and authorities in response to any motion shall constitute a
2 consent to the granting of the motion.” Nevertheless, the Court has reviewed the
3 Defendants’ motion and renders this decision based upon the merits of that motion.

4 Federal Rule of Civil Procedure 41(b) states that “[i]f the plaintiff fails to prosecute
5 or to comply with these rules or a court order, a defendant may move to dismiss the
6 action or any claim against it.” The court has “broad discretion in the matter of
7 dismissing an action for want of diligent prosecution.” *Schmidt v. Wallenius Line*, 455
8 F.2d 1088 (9th Cir. 1972).

9 In determining whether to dismiss a case for failure to comply with a court order
10 the district court must weigh five factors including: “(1) the public's interest in
11 expeditious resolution of litigation; (2) the court's need to manage its docket; (3)
12 the risk of prejudice to the defendants; (4) the public policy favoring disposition of
13 cases on their merits; and (5) the availability of less drastic alternatives.”

14 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.1992). These factors strongly
15 suggest that Plaintiff’s Complaint should be dismissed.

16 This court’s docket is jammed with cases. A party’s failure to prosecute his claims
17 causes further backlog, interferes with the court’s ability to address active cases, and
18 delays resolution of other litigants’ cases. Moreover, the discovery period for this case
19 has now expired. Plaintiff’s failure to respond to discovery has precluded Defendants
20 from discovering relevant facts and evidence and developing their defenses. Clearly,
21 Defendants have been prejudiced by Plaintiff’s inaction. While less drastic measures are
22 available, it is obvious from the Defendant’s Motion, Judge Ferenbach’s Order, and the
23 events that gave rise to that Order that Plaintiff has no intention of prosecuting his case.
24 Further orders from this court likely would be ignored. Thus, good cause exists to
25 dismiss Plaintiff’s Complaint for his utter failure to satisfy his obligations as a litigant.

26 Therefore,

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IT IS HEREBY ORDERED that this case is DISMISSED.

The clerk of the court shall enter Judgment accordingly, and shall accept no further filings in this matter.

Dated: November 4, 2013.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE