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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BARBARA K. ANDERSON,

Plaintiff,

v.

BANK OF AMERICA, N.A. MELON, *et al.*,

Defendants.

Case No. 2:17-cv-00103-MMD-CWH

ORDER

On May 8, 2017, plaintiff was directed to file an amended complaint within thirty (30) days. (ECF No. 10.) That deadline has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the Court's order.<sup>1</sup>

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal*

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<sup>1</sup>In fact, the Court's last order was returned as undeliverable. It appears that Plaintiff has failed to file her updated mailing address.

1 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court  
2 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of  
3 prosecution and failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey  
5 a court order, or failure to comply with local rules, the court must consider several  
6 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need  
7 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
8 favoring disposition of cases on their merits; and (5) the availability of less drastic  
9 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833  
10 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
13 weigh in favor of dismissal. The third factor, risk of prejudice to defendant, also weighs in  
14 favor of dismissal, since a presumption of injury arises from the occurrence of  
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.  
16 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor — public  
17 policy favoring disposition of cases on their merits — is greatly outweighed by the factors  
18 in favor of dismissal discussed herein. Finally, a court's warning to a party that his failure  
19 to obey the court's order will result in dismissal satisfies the "consideration of  
20 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;  
21 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an amended  
22 complaint within fifteen (15) days expressly stated: "Failure to file an amended complaint  
23 will result in dismissal of this action." (ECF No. 10.) Thus, Plaintiff had adequate warning  
24 that dismissal would result from her noncompliance with the Court's orders to file an  
25 amended complaint.

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It is therefore ordered that this action is dismissed with prejudice based on Plaintiff's failure to file an amended complaint in compliance with this Court's orders.

The Court is directed to close this case.

DATED THIS 10<sup>th</sup> day of August 2017.

  
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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE