

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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9 BARBARA K. ANDERSON,

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

10 v. Plaintiff,

ORDER

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

12 Defendants.

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

17 District courts have the inherent power to control their dockets and “[i]n the
18 exercise of that power, they may impose sanctions including, where appropriate . . .
19 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
20 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure
21 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
22 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance
23 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for
24 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
25 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule
26 requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal*

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28 ¹In 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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1 It is therefore ordered that this action is dismissed with prejudice based on
2 Plaintiff's failure to file an amended complaint in compliance with this Court's orders.

3 The Court is directed to close this case.

4 DATED THIS 10th day of August 2017.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE