

1 filed. So, on August 18, 2020, the court ordered Powe to show cause by September 18, 2020,
2 why this case should not be dismissed based on his failure to complete service of process on any
3 defendant.⁷ Powe was warned in bold that, if he failed “to show cause by that deadline, this case
4 will be dismissed and closed without further prior notice.”⁸ The order to show cause was
5 returned to sender undeliverable as “not at this facility,”⁹ and Powe did not respond to the order.
6 So the court now dismisses and closes this case.

7 District courts have the inherent power to control their dockets and “[i]n the exercise of
8 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.¹⁰
9 A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a
10 court order, or failure to comply with local rules.¹¹ In determining whether to dismiss an action
11 on one of these grounds, the court must consider: (1) the public’s interest in expeditious
12 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
13 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
14 availability of less drastic alternatives.¹²

15
16 ⁷ ECF No. 25.

17 ⁸ *Id.* at 2 (emphasis omitted).

18 ⁹ ECF No. 26.

19 ¹⁰ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).


20 ¹¹ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
21 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
22 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 Service*, 833 F.2d 128, 130 (9th Cir.
1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

23 ¹² *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
Ferdik, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

1 The first two factors, the public’s interest in expeditiously resolving this litigation and the
2 court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The
3 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
4 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
5 ordered by the court or prosecuting an action.¹³ A court’s warning to a party that its failure to
6 obey the court’s order will result in dismissal satisfies the fifth factor’s “consideration of
7 alternatives” requirement,¹⁴ and that warning was given here.¹⁵ The fourth factor—the public
8 policy favoring disposition of cases on their merits—is greatly outweighed by the factors
9 favoring dismissal.

10 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY
11 ORDERED that **this case is DISMISSED. The Clerk of Court is directed to ENTER**
12 **JUDGMENT accordingly and CLOSE THIS CASE.**

13 Dated: September 21, 2020

14 
U.S. District Judge Jennifer A. Dorsey

22 ¹³ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

23 ¹⁴ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

¹⁵ ECF No. 25.