

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Nathaniel Travon Martin,
5 Plaintiff
6 v.
7 Joe Lombardo, et al.,
8 Defendants
9

2:17-cv-00806-JAD-CWH

Order

[ECF No. 1]

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11 Pro se plaintiff Nathaniel Travon Martin, a former detainee at the Clark County Detention
12 Center, brings this civil rights complaint under 42 U.S.C. § 1983.¹ Magistrate Judge Hoffman issued
13 an order on June 20, 2017, directing Martin to file his updated address with this court on or before
14 July 14, 2017.² The deadline has now expired and Martin has not filed his updated address or
15 otherwise responded to that order.

16 District courts have the inherent power to control their dockets and “[i]n the exercise of that
17 power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court
18 may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to
19 obey a court order, or failure to comply with local rules.⁴ In determining whether to dismiss an

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21 ¹ ECF No. 1.

22 ² ECF No. 3.

23 ³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

24 ⁴ *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule);
25 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an
26 order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
27 (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of
28 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).

1 action for lack of prosecution, failure to obey a court order, or failure to comply with local rules, I
2 must consider several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the
3 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
4 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁵

5 The first two factors—the public’s interest in expeditiously resolving this litigation and the
6 court’s interest in managing the docket—weigh in favor of dismissal. The third factor—risk of
7 prejudice to defendants—also weighs in favor of dismissal, since a presumption of injury arises from
8 the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an
9 action.⁶ The fourth factor—public policy favoring disposition of cases on their merits—is greatly
10 outweighed by the factors favoring dismissal. Finally, a court’s warning to a party that his failure to
11 obey the court’s order will result in dismissal satisfies the “consideration of alternatives”
12 requirement.⁷ Magistrate Judge Hoffman’s order requiring Martin to file his updated address with
13 the court on or before Friday, July 14, 2017, expressly stated: “IT IS FURTHER ORDERED that if
14 plaintiff fails to timely comply with this order, the court will recommend dismissal of this case
15 without prejudice.”⁸ Thus, Martin had adequate warning that dismissal would result from his
16 noncompliance with the order to file his updated address on or before Friday, July 14, 2017.

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24 ⁵ *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.

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⁶ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

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⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424.

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⁸ ECF No. 3 at 2.

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