

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUSTIN L. TRIPP,

Plaintiff(s),

v.

CLARK COUNTY, et al.,

Defendant(s).

Case No. 2:17-CV-1964 JCM (BNW)

ORDER

Presently before the court is defendant Clark County's motion to dismiss the second amended complaint as to defendant Clark County. (ECF No. 188). Plaintiff Justin Tripp has not responded to any of the above, and the deadline of November 19, 2020, has long passed. Defendant has apprised this court of plaintiff's non-opposition. (ECF No. 190).

Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of plaintiff's lack of response and weighing the factors identified in *Ghazali*, the court finds dismissal of the claims against defendant appropriate. The records reflect proper notice of the motion, and plaintiff's actions demonstrate an awareness of this matter. Ample time has passed since the response's deadline of November 19, 2020.

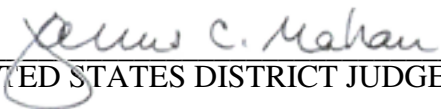
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Clark County's motion to dismiss (ECF No. 188) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the plaintiff's claims as to defendant Clark County are hereby DISMISSED.

DATED December 9, 2020.


UNITED STATES DISTRICT JUDGE