

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 2:17-cv-02207-JAD-BNW

4 Percy Lavae Bacon,

5 Petitioner

6 v.

7 State of Nevada,

8 Respondent

Order Dismissing Action

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10 On January 29, 2019, the court issued an order directing the petitioner to “pay the \$400
11 filing fee by February 11, 2019, or [have] this action . . . dismissed without prejudice.”¹
12 Petitioner did not pay the fee or move to extend the deadline to do so.

13 District courts have the inherent power to control their dockets and “[i]n the exercise of
14 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A
15 court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a
16 court order, or failure to comply with local rules.³ In determining whether to dismiss an action
17 on one of these grounds, the court must consider: (1) the public’s interest in expeditious
18 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
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21 ¹ ECF No. 3.

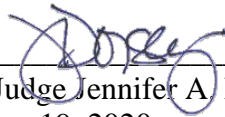
22 ² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

23 ³ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
24 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
25 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–
26 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to
27 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
28 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 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
2 availability of less drastic alternatives.⁴

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

12 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY
13 ORDERED that **this case is DISMISSED** for failure to pay the filing fee as directed by the
14 court. **The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE**
15 **THIS CASE.**

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17 U.S. District Judge Jennifer A. Dorsey
18 Dated: February 19, 2020
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24 ⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
25 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁵ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁶ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28 ⁷ ECF No. 3.