



1 impose sanctions including, where appropriate . . . dismissal” of a case.<sup>6</sup> A court may dismiss an  
2 action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to  
3 comply with local rules.<sup>7</sup> In determining whether to dismiss an action on one of these grounds,  
4 the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the  
5 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public  
6 policy favoring disposition of cases on their merits; and (5) the availability of less drastic  
7 alternatives.<sup>8</sup>

8         The first two factors, the public’s interest in expeditiously resolving this litigation and the  
9 court’s interest in managing its docket, weigh in favor of dismissal. The third factor, risk of  
10 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises  
11 from the occurrence of unreasonable delay in filing a pleading ordered by the court or  
12 prosecuting an action.<sup>9</sup> A court’s warning to a party that its failure to obey the court’s order will  
13 result in dismissal satisfies the fifth factor’s “consideration of alternatives” requirement,<sup>10</sup> and

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15 that report, ECF No. 77, they were nearly a month late and arrived only after the court adopted  
16 the R&R and entered judgment. ECF Nos. 75 (order adopting R&R), 76 (judgment). Those  
17 objections are disregarded as untimely. But even if I had considered those objections on their  
18 merits and generously treated them as a motion for reconsideration or to alter or amend the  
19 judgment, they fall far short of establishing any basis for such relief.

17 <sup>6</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

18 <sup>7</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with  
19 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to  
20 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–  
21 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to  
22 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.  
23 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).

22 <sup>8</sup> *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.


23 <sup>9</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

<sup>10</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

1 that warning was given here.<sup>11</sup> The fourth factor—the public policy favoring disposition of  
2 cases on their merits—is greatly outweighed by the factors favoring dismissal.

3           Accordingly, IT IS HEREBY ORDERED that the remainder of **this action is**  
4 **DISMISSED** without prejudice under FRCP 4m. The Clerk of Court is directed to **ENTER**  
5 **JUDGMENT ACCORDINGLY** and **CLOSE THIS CASE.**

6           Dated: February 19, 2020

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9 U.S. District Judge Jennifer A. Dorsey

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<sup>11</sup> ECF No. 75.