

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 DERRIUS STOUT-MANSON,

Case No. 2:18-cv-00766-RFB-GWF

4 Plaintiff,

ORDER

5 v.

6 NEVADA DEPARTMENT OF  
CORRECTIONS et al.,

7 Defendants  
8

9 This action is a pro se civil rights complaint filed under 42 U.S.C. § 1983 by a state  
10 prisoner. On January 15, 2019, this Court issued an order directing Plaintiff to file his  
11 updated address with this Court within thirty (30) days. (ECF No. 3). The thirty-day period  
12 has now expired, and Plaintiff has not filed his updated address or otherwise responded  
13 to the Court's order.

14 District courts have the inherent power to control their dockets and “[i]n the  
15 exercise of that power, they may impose sanctions including, where appropriate . . .  
16 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
17 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
18 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
19 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance  
20 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal  
21 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856  
22 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
23 pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833  
24 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
25 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
26 failure to comply with local rules).

26 In determining whether to dismiss an action for lack of prosecution, failure to obey  
27 a court order, or failure to comply with local rules, the court must consider several factors:  
28 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to

1 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
2 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
3 Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at 130;  
4 Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

5 In the instant case, the Court finds that the first two factors, the public's interest in  
6 expeditiously resolving this litigation and the Court's interest in managing the docket,  
7 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
8 in favor of dismissal, since a presumption of injury arises from the occurrence of  
9 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
10 Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy  
11 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor  
12 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
13 the court's order will result in dismissal satisfies the "consideration of alternatives"  
14 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 F.2d at 132-33; Henderson, 779  
15 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the  
16 Court within thirty (30) days expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff  
17 fails to timely comply with this order, the Court shall dismiss this case without prejudice."  
18 (ECF No. 3 at 2). Thus, Plaintiff had adequate warning that dismissal would result from  
19 his noncompliance with the Court's order to file his updated address within thirty (30)  
20 days.

21 IT IS THEREFORE ORDERED that this action is dismissed without prejudice  
22 based on Plaintiff's failure to file an updated address in compliance with this Court's  
23 January 15, 2019, order.

24 IT IS FURTHER ORDERED that the application to proceed in forma pauperis (ECF  
25 No. 1) is denied as moot.

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IT IS FURTHER ORDERED that the Clerk of Court will enter judgment accordingly.

DATED THIS 4th day of March 2019.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE