



1 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring  
2 amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal  
3 for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of  
4 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for  
5 failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)  
6 (dismissal for lack of prosecution and failure to comply with local rules).

7 In determining whether to dismiss an action for lack of prosecution, failure to obey a  
8 court order, or failure to comply with local rules, the court must consider several factors: (1)  
9 the public's interest in expeditious resolution of litigation; (2) the court's need to manage its  
10 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
11 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d  
12 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-  
13 61; *Ghazali*, 46 F.3d at 53.

14 In the instant case, the Court finds that the first two factors, the public's interest in  
15 expeditiously resolving this litigation and the Court's interest in managing the docket, weigh  
16 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
17 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in  
18 filing a pleading ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542  
19 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases  
20 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.  
21 Finally, a court's warning to a party that his failure to obey the court's order will result in  
22 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262;  
23 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring  
24 Plaintiff to file another application to proceed *in forma pauperis* or pay the full filing fee within  
25 thirty days expressly stated: "IT IS FURTHER ORDERED that if Plaintiff does not timely  
26 comply with this order, dismissal of this action may result." (ECF No. 7 at 2). Thus, Plaintiff  
27 had adequate warning that dismissal would result from his noncompliance with the Court's  
28 order to file another application to proceed *in forma pauperis* or pay the full filing fee within

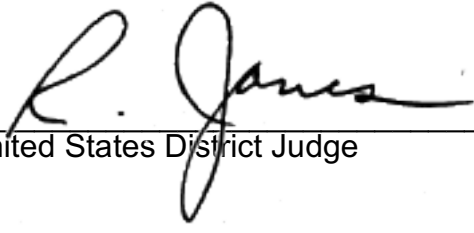
1 thirty days.

2 It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's  
3 failure to file another application to proceed *in forma pauperis* or pay the full filing fee in  
4 compliance with this Court's February 13, 2015, order.

5 It is further ordered that the motion for appointment of counsel (ECF No. 6) is denied  
6 as moot.

7 It is further ordered that the Clerk of Court shall enter judgment accordingly.

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9 Dated this 27th day of March, 2015.

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12 United States District Judge

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