

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

7 In determining whether to dismiss an action for lack of prosecution, failure to
8 obey a court order, or failure to comply with local rules, the court must consider several
9 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need
10 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
11 favoring disposition of cases on their merits; and (5) the availability of less drastic
12 alternatives. *Pagtalunan*, 291 F.3d at 642; *Thompson*, 782 F.2d at 831; *Henderson*, 779
13 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46
14 F.3d at 53.

15 The Court finds that the first two factors, the public's interest in expeditiously
16 resolving this litigation and the Court's interest in managing the docket, weigh in favor of
17 dismissal. The third factor, risk of prejudice to respondents, also weighs in favor of
18 dismissal, since a presumption of injury arises from the occurrence of unreasonable
19 delay in filing a pleading ordered by the court or prosecuting an action. *See Anderson v.*
20 *Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring
21 disposition of cases on their merits – is greatly outweighed by the factors in favor of
22 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
23 the court's order will result in dismissal satisfies the "consideration of alternatives"
24 requirement. *Pagtalunan*, 291 F.3d at 643; *Ferdik v. Bonzelet*, 963 F.2d at 1262;
25 *Malone*, 833 at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring
26 petitioner to pay the filing fee within thirty days expressly stated: "Failure to comply with
27 this order may result in the dismissal of this action." (Dkt. no. 3, at 2). Thus, petitioner

28 ///

1 had adequate warning that dismissal would result from noncompliance with the Court's
2 order.

3 It is therefore ordered that this action is dismissed without prejudice based on
4 petitioner's failure to pay the filing fee in compliance with this Court's order of March 16,
5 2015.

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

7 DATED THIS 27th day of July 2015.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE