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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEVEN KOZLOWSKI,

Case No. 3:15-cv-00246-MMD-VPC

Plaintiff,

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants.

On August 30, 2016, Plaintiff was given thirty (30) days to comply with LR IA 3-1 by filing a notice of Plaintiff's current mailing address and notified that failure to comply will result in dismissal of this action. The thirty-day period has now expired, and Plaintiff has not filed a notice of current address or otherwise responded to the Court's order.<sup>1</sup>

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply

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<sup>1</sup>In fact, the Court's last two orders were returned as undeliverable.

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

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

12 In the instant case, the Court finds that the first two factors, the public's interest in  
13 expeditiously resolving this litigation and the Court's interest in managing the docket,  
14 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
15 in favor of dismissal, since a presumption of injury arises from the occurrence of  
16 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.  
17 *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor — public  
18 policy favoring disposition of cases on their merits — is greatly outweighed by the factors  
19 in favor of dismissal discussed herein. Finally, a court's warning to a party that his  
20 failure to obey the court's order will result in dismissal satisfies the "consideration of  
21 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;  
22 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file a notice of  
23 current address within thirty days expressly stated: "Failure to comply will result in  
24 dismissal of this action." (ECF No. 12.) Thus, Plaintiff had adequate warning that  
25 dismissal would result from his noncompliance with the Court's order to file a notice of  
26 Plaintiff's current mailing address within thirty (30) days.

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It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's failure to file a notice of Plaintiff's current mailing address in compliance with this Court's August 30, 2016, order.

It is further ordered that the Clerk of Court close this case.

DATED THIS 6<sup>th</sup> day of October 2016.

  
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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE