

1 (dismissal for lack of prosecution and failure to comply with local rules).

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

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

24 It is therefore ordered that this action is dismissed with prejudice based on Plaintiff's
25 failure to file an updated address in compliance with this Court's January 4, 2017, order.

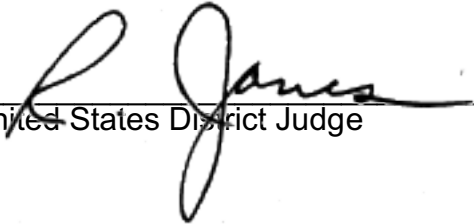
26 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) is
27 denied as moot.

28 IT IS FURTHER ORDERED that the inmate mediation scheduled for March 14, 2017

1 (ECF No. 14) is vacated.

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

3
4 Dated: This 16th day of February, 2017.

5
6 
7 United States District Judge

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