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 10 WILLIAM MARTIN TEZAK, Aka BILL TEZAK, 11 Debtor. 12 Debtor. 13 WILLIAM MARTIN TEZAK, 13 V. 14 v. 15 KEVIN E. MONSON, 16 Appellee. 17 18 On April 6, 2017, the Court issued an Order 19 show cause as to why this appeal should not be his opening brief despite having been given 					
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19 show cause as to why this appeal should not be20 his opening brief despite having been given					
20 his opening brief despite having been given	On April 6, 2017, the Court issued an Order to Show Cause, directing Appellant to				
	show cause as to why this appeal should not be dismissed for Appellant's failure to file				
his opening brief despite having been given two extensions of time. (ECF No. 15.) Appellant had until April 20, 2017, to respond to the Order to Show Cause. (<i>Id.</i>) To date,					
Appellant has failed to respond.					
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. <i>Thompson v. Hous. Auth. of City of Los Angeles</i> , 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.				
28 See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th	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 with local rule requiring
pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833
F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
failure to comply with local rules).

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

15 In the instant case, the Court finds that the first two factors, the public's interest in 16 expeditiously resolving this litigation and the Court's interest in managing the docket, 17 weigh in favor of dismissal. The third factor, risk of prejudice to Appellee, also weighs in favor of dismissal, since a presumption of injury arises from the occurrence of 18 19 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See 20 Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor — public policy 21 favoring disposition of cases on their merits — is greatly outweighed by the factors in 22 favor of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey the court's order will result in dismissal satisfies the "consideration of alternatives" 23 24 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 F.2d at 132-33; Henderson, 779 F.2d 25 at 1424. The Court's Order to Show Cause directs Appellant to show cause why this appeal should not be dismissed. Appellant therefore has adequate warning that failure to 26 27 respond will result in dismissal of his appeal.

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1	It is therefore ordered that this appeal is dismissed. The Clerk is directed to close
2	this case.
3	DATED THIS 25 th day of April 2017.
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5	MIRANDA M. DU UNITED STATES DISTRICT JUDGE
6	UNITED STATES DISTRICT JUDGE
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