



1 failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)  
2 (dismissal for lack of prosecution and failure to comply with local rules).

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

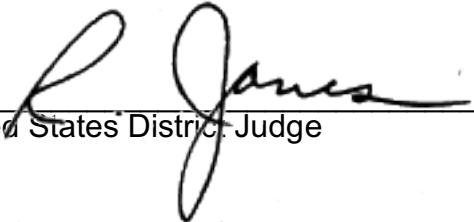
10 In the instant case, the Court finds that the first two factors, the public's interest in  
11 expeditiously resolving this litigation and the Court's interest in managing the docket, weigh  
12 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
13 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in  
14 filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542  
15 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases  
16 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.  
17 Finally, a court's warning to a party that his failure to obey the court's order will result in  
18 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262;  
19 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring  
20 Plaintiff to file an updated address and an application to proceed *in forma pauperis* for non-  
21 prisoners within thirty (30) days expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff  
22 fails to timely comply with this order, the Court shall dismiss this case without prejudice." (ECF  
23 No. 4 at 2). Thus, Plaintiff had adequate warning that dismissal would result from his  
24 noncompliance with the Court's order to file an updated address and an application to proceed  
25 *in forma pauperis* for non-prisoners within thirty (30) days.

26 It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's  
27 failure to file an updated address and an application to proceed *in forma pauperis* for non-  
28 prisoners in compliance with this Court's December 28, 2016, order.

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

Dated: This 16<sup>th</sup> day of February, 2017.

  
United States District Judge