

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 amended complaint within thirty (30) days expressly stated: "IT IS FURTHER
21 ORDERED that if Plaintiff fails to file an amended complaint curing the deficiencies outlined
22 in this order, this action will be dismissed with prejudice for failure to state a claim." (ECF No.
23 4 at 9). Thus, Plaintiff had adequate warning that dismissal would result from his
24 noncompliance with the Court's order to file an amended complaint within thirty (30) days.

25 It is therefore ordered that this action is dismissed with prejudice based on Plaintiff's
26 failure to file an amended complaint in compliance with this Court's February 16, 2017, order
27 and for failure to state a claim.

28 It is further ordered that the motion to proceed *in forma pauperis* (ECF No. 1) is denied

1 as moot.

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

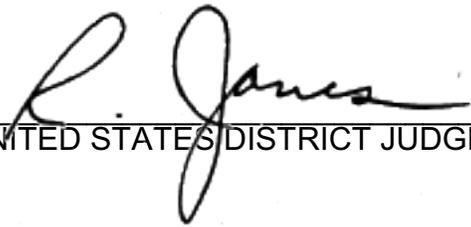
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DATED: This 5th day of April, 2017.

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UNITED STATES DISTRICT JUDGE

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