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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AUBREY U. LEWIS, SR.,

Case No. 3:16-cv-00478-MMD-WGC

Plaintiff,

ORDER

v.

RENO POLICE, *et al*,

Defendants.

Before the Court are two motions to dismiss: (1) Defendant Kevin Moss's motion (ECF No. 27) and (2) Defendants Jason Pruyn and Anthony Della's motion (ECF No. 38). In response to Moss's motion, Plaintiff asked for a 90-day extension of time (ECF No. 34), which the Court granted in part, giving him until June 19, 2017, to file a response (ECF No. 37 at 1.) To date, Plaintiff has not responded to either motion.

Under Local Rule LR 7-2(d), "[t]he failure of an opposing party to file points and authorities in response to any motion [with exceptions not applicable here] shall constitute a consent to the granting of the motion." When an opposing party receives notice and is given sufficient time to respond to a motion to dismiss, a district court does not abuse its discretion in granting the motion based on failure to comply with a local rule. *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir.1995). Before dismissing a case for failing to follow local rules, the district court must weigh the following 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; (4) the public policy favoring disposition of cases on their merits and (5) the availability of less drastic sanctions. *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.1986).

1 In the present case, Plaintiff was given appropriate notice of Defendants' motions  
2 to dismiss; and he has had ample time to respond to these motions, which have been  
3 pending for over six months. In fact, Plaintiff was aware of the need to respond as  
4 evidence by his request for extension to respond to Moss's motion. (ECF No. 34.) The  
5 Court has weighed the above factors. It finds that the public's interest in expeditious  
6 resolution of litigation, as well as the Court's need to manage its docket, outweigh the risk  
7 of prejudice and the remaining factors. Accordingly, the Court will grant the pending  
8 motions to dismiss.

9 It is therefore ordered that Defendants' motions to dismiss (ECF Nos. 27, 38) are  
10 granted. Dismissal is without prejudice.

11 The Clerk is instructed to close this case.

12 DATED THIS 2<sup>nd</sup> day of January 2018.

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15 MIRANDA M. DU  
16 UNITED STATES DISTRICT JUDGE  
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