

1 to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52,
2 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963
3 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring
4 amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal
5 for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of
6 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for
7 failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
8 (dismissal for lack of prosecution and failure to comply with local rules).

9 In determining whether to dismiss an action for lack of prosecution, failure to obey a
10 court order, or failure to comply with local rules, the court must consider several factors: (1)
11 the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
12 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
13 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d
14 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-
15 61; *Ghazali*, 46 F.3d at 53.

16 In the instant case, the Court finds that the first two factors, the public's interest in
17 expeditiously resolving this litigation and the Court's interest in managing the docket, weigh
18 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
19 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in
20 filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542
21 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases
22 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.
23 Finally, a court's warning to a party that his failure to obey the court's order will result in
24 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262;
25 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring
26 Plaintiff to pay the full filing fee within thirty (30) days expressly stated: "IT IS FURTHER
27 ORDERED that this action will be DISMISSED without prejudice unless Plaintiff pays the
28 \$400.00 filing fee in full within thirty (30) days of entry of this order." (ECF No. 3 at 2). Thus,

1 Plaintiff had adequate warning that dismissal would result from his noncompliance with the
2 Court's order to pay the full filing fee within thirty (30) days.

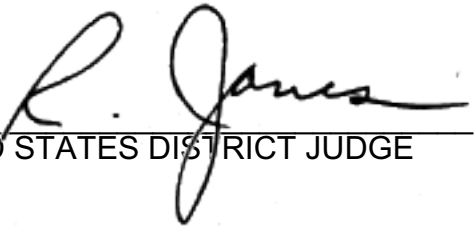
3 It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's
4 failure to pay the \$400.00 filing fee in compliance with this Court's February 16, 2017, order.

5 It is further ordered that the motion to correct the record (ECF No. 4) is denied.

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

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DATED: This 5th day of April, 2017.


UNITED STATES DISTRICT JUDGE