

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VICTOR TAGLE,

Plaintiff

Case No. 3:17-cv-00510-MMD-WGC

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STATE OF NEVADA, *et al.*,

Defendants

ORDER

On October 23, 2017, plaintiff was directed to pay the full filing fee within thirty (30) days. (ECF No. 11.) That deadline has now expired, and Plaintiff has not submitted the filing fee or otherwise responded to the Court's order.

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. *Thompson v. Hous. Auth. of City of Los Angeles*, 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. 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).

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

8 In the instant case, the Court finds that the first two factors, the public's interest in
9 expeditiously resolving this litigation and the Court's interest in managing the docket,
10 weigh in favor of dismissal. The third factor, risk of prejudice to defendant, also weighs in
11 favor of dismissal, since a presumption of injury arises from the occurrence of
12 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
13 *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor — public
14 policy favoring disposition of cases on their merits — is greatly outweighed by the factors
15 in favor of dismissal discussed herein. Finally, a court's warning to a party that his failure
16 to obey the court's order will result in dismissal satisfies the "consideration of
17 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
18 *Henderson*, 779 F.2d at 1424. The Court's order expressly cautioned: "Plaintiff must pay
19 the full filing fee within thirty (30) days. Plaintiff's failure to do so will result in dismissal of
20 this action." (ECF No. 11.) Thus, Plaintiff had adequate warning that dismissal would
21 result from his noncompliance with the Court's order to pay the filing fee.

22 It is therefore ordered that this action is dismissed based on Plaintiff's failure to
23 timely pay the filing fee.

24 DATED THIS 27th day of November 2017.



25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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