



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

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

11 Here, the Court finds that the first two factors—the public's interest in expeditiously  
12 resolving this litigation and the Court's interest in managing the docket—weigh in favor of  
13 dismissal. The third factor—risk of prejudice to the defendant—also weighs in favor of  
14 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
15 in filing a pleading ordered by the court or prosecuting an action. *See Anderson v. Air*  
16 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
17 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
18 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey the  
19 court's order will result in dismissal satisfies the "consideration of alternatives"  
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d  
21 at 1424. The Court's April 10, 2018 Order expressly stated that "[t]his action will be  
22 dismissed without prejudice unless Plaintiff pays the \$400.00 filing fee in full within thirty  
23 (30) days of entry of this order." (ECF No. 12 at 5.) Thus, Plaintiff had adequate warning  
24 that dismissal would result from his noncompliance with the Court's Order to pay the filing  
25 fee.

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It is therefore ordered that this case is dismissed without prejudice based on Plaintiff's failure to pay the filing fee in compliance with this Court's April 10, 2018 Order.

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

DATED THIS 16<sup>th</sup> day of May 2018.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE