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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRIAN SCOTT INKENBRANDT,

Plaintiff,

v.

DAN WATTS, *et al.*,

Defendants.

Case No. 3:17-cv-00531-MMD-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a pre-trial detainee in the custody of the White Pine County Jail. On July 19, 2018, the Court issued an order dismissing the complaint with leave to amend and directed Plaintiff to file an amended complaint within thirty days. (ECF No. 6 at 9.) The thirty-day period has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the Court's order.<sup>1</sup>

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) (affirming dismissal of case for

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<sup>1</sup> The order that was mailed to Plaintiff was returned as undeliverable. (ECF No. 8.) Plaintiff failed to update his mailing address as required under LR IA 3-1.

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

9 In determining whether to dismiss an action for lack of prosecution, failure to obey  
10 a court order, or failure to comply with local rules, the court must consider several factors:  
11 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
12 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
13 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
14 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
15 130; *Ferdik*, 963 F.2d at 1260-61; *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,  
18 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
19 in favor of dismissal, since a presumption of injury arises from the occurrence of  
20 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
21 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public  
22 policy favoring disposition of cases on their merits—is greatly outweighed by the factors  
23 in favor of dismissal discussed herein. Finally, a court's warning to a party that his failure  
24 to obey the court's order will result in dismissal satisfies the consideration of alternatives  
25 requirement. See *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
26 F.2d at 1424. The Court's order requiring Plaintiff to file an amended complaint within  
27 thirty days expressly stated: "It is further ordered that, if Plaintiff fails to timely file an  
28 amended complaint curing the deficiencies outlined in this order, this action will be

1 dismissed with prejudice for failure to state a claim.” (ECF No. 6 at 9.) Thus, Plaintiff had  
2 adequate warning that dismissal would result from his noncompliance with the Court’s  
3 order to file an amended complaint within thirty days.

4 It is therefore ordered that this action is dismissed with prejudice based on  
5 Plaintiff’s failure to file an amended complaint in compliance with this Court’s July 19,  
6 2018, order and for failure to state a claim.

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

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9 DATED THIS 28th day of August 2018.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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