

1 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply
2 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*
3 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply
4 with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal
5 for lack of prosecution and failure to comply with local rules).

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

13 In the instant case, the Court finds that the first two factors, the public's interest in
14 expeditiously resolving this litigation and the Court's interest in managing the docket,
15 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
16 in favor of dismissal, since a presumption of injury arises from the occurrence of
17 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
18 *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public
19 policy favoring disposition of cases on their merits – is greatly outweighed by the factors
20 in favor of dismissal discussed herein. Finally, a court's warning to a party that his
21 failure to obey the court's order will result in dismissal satisfies the "consideration of
22 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
23 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file a certified copy
24 of his trust fund account statement expressly stated: "Plaintiff has thirty (30) days from
25 the date of this Order to do so, or his action may be dismissed." (ECF No. 3 at 1.) Thus,
26 Plaintiff had adequate warning that dismissal would result from his noncompliance with
27 the Court's order to file a certified copy of his trust fund account statement within thirty
28 (30) days.

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It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's failure to file a certified copy of his trust fund account statement in compliance with this Court's October 6, 2017, order.

It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

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

DATED THIS 14th day of November 2017.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE