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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 MICHAEL C. WRIGHT,

Case No. 3:18-cv-00118-MMD-WGC

7 Plaintiff

ORDER

8 v.

9 ISIDRO BACA, *et al.*,

Defendants

10
11 This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a
12 former state prisoner. On January 15, 2019, this Court issued an order directing Plaintiff
13 to file his updated address with this Court within 30 days. (ECF No. 3.) The 30-day period
14 has now expired, and Plaintiff has not filed his updated address or otherwise responded
15 to the Court's order. Therefore, the Court dismisses this action without prejudice.

16 District courts have the inherent power to control their dockets and “[i]n the
17 exercise of that power, they may impose sanctions including, where appropriate . . .
18 dismissal” of a case. *Thompson v. Hous. Auth. of City of L. A.*, 782 F.2d 829, 831 (9th
19 Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to
20 prosecute an action, failure to obey a court order, or failure to comply with local rules. See
21 *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
22 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for
23 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
24 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
25 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d
26 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v.*
27 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure
28 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 factors:
3 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
6 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
7 *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 Defendants, also weighs
11 in 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. See
13 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
14 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
15 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
16 the court's order will result in dismissal satisfies the "consideration of alternatives"
17 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779
18 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
19 Court within thirty (30) days expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff
20 fails to timely comply with this order, the Court shall dismiss this case without prejudice."
21 (ECF No. 3 at 2.) Thus, Plaintiff had adequate warning that dismissal would result from
22 his noncompliance with the Court's order to file his updated address within thirty (30)
23 days.


24 It is therefore ordered that this action is dismissed without prejudice based on
25 Plaintiff's failure to file an updated address in compliance with this Court's January 15,
26 2019 order.

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The Clerk of Court is directed to enter judgment accordingly and close this case.
DATED THIS 22nd day of February 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE