


for summary judgment. He has failed to actively prosecute his case by failing to take any action to move the case forward since his release from ODOC custody five months ago.

In determining whether to dismiss under Rule 41(b), the court must weigh certain factors, including the public's interest in expeditious resolution of litigation, the court's interest in managing its docket, the risk of prejudice to the defendants, the availability of less drastic alternatives, and the public policy favoring the disposition of cases on the merits. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992). I have considered these factors and conclude that, on the whole, dismissal is appropriate in this case. Although a disposition on the merits is preferable, Davis's failure to participate makes that outcome impossible. The other factors favor dismissal.

Accordingly, the complaint in this case is dismissed for failure to comply with Local Rule 83-10(a), failure to comply with the court's orders, and failure to prosecute. The dismissal operates as an adjudication on the merits pursuant to Fed. R. Civ. P. 41(b). All remaining motions are denied as moot.

IT IS SO ORDERED this 3rd day of October, 2018.



ROBERT E. JONES
United States District Judge