

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JAMES GOBLE,

Plaintiff,

v.

DG RETAIL, LLC;
KEVIN WAGNER,

Defendants.

Civ. No. 6:19-cv-01976-AA

OPINION & ORDER

AIKEN, District Judge.

This case comes before the Court on Defendants' Motion to Dismiss for Failure to Prosecute. ECF No. 24. The motion was filed on July 12, 2022 and the Court sent a Motion to Dismiss Advice Notice to *pro se* Plaintiff James Goble on July 13, 2022. ECF No. 26. Plaintiff did not respond Defendants' motion and the time for doing so has now passed.

Federal Rule of Civil Procedure 41(b) allows for dismissal of an action for failure to prosecute. A dismissal for failure to prosecute may be ordered upon motion by an adverse party or on the court's own motion. *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984). "When considering whether to dismiss a case for lack of prosecution, the district court must weigh the court's need to manage its docket, the public interest in expeditious resolution of litigation, and the risk of prejudice to the defendants

against the policy favoring disposition of cases on their merits, and the availability of less drastic sanctions.” *Id.*

This case was stayed while the matter was referred to arbitration. On December 21, 2021, the arbitrator dismissed Plaintiff’s claims for want of prosecution. Stebbins Decl. ¶ 2. ECF No. 25. Defendants attempted to confer with Plaintiff following the dismissal of arbitration, but Plaintiff did not respond. *Id.* at ¶¶ 3-4. Nor did Plaintiff respond to Defendants’ Motion to Dismiss. Upon consideration of the relevant factors, the Court concludes that dismissal for failure to prosecute is warranted in the present case and Defendants’ Motion is GRANTED.

It is so ORDERED and DATED this 22nd day of August 2022.

/s/Ann Aiken

ANN AIKEN

United States District Judge