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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Tommie Jayne Wasserberg,

10 Plaintiff,

11 v.

12 Legal Support YouTube, Google LLC,

13 Defendant.
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No. CV-25-00009-TUC-SHR

Order Dismissing Case

15 Plaintiff has failed to respond to this Court's order to show cause. Instead of
16 following the Court's order, Plaintiff filed a Motion to Amend the Complaint (Doc. 6),
17 Motion to Appoint Counsel (Doc. 7), Application for Leave to Proceed In Forma Pauperis
18 (Doc. 8), and Motion for Class Status (Doc. 9).

19 "Failure to follow a district court's local rules is a proper ground for dismissal."
20 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *see also Ferdik v. Bonzelet*, 963 F.2d
21 1258, 1260 (9th Cir. 1992) ("Pursuant to Federal Rule of Civil Procedure 41(b), the district
22 court may dismiss an action for failure to comply with any order of the court."); *Hells*
23 *Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). If a plaintiff
24 fails to prosecute or to comply with the Court's rules or orders, the action may be dismissed
25 within the Court's discretion. The Court weighs five factors when considering whether to
26 dismiss for failure to follow its orders—"(1) the public's interest in expeditious resolution
27 of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
28 defendants; (4) the public policy favoring disposition of cases [on] their merits; and (5) the

1 availability of less drastic sanctions.” *Ghazali*, 46 F.3d at 53. Dismissal is proper where
2 “at least four factors support dismissal, or where at least three factors strongly support
3 dismissal.” *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (internal
4 quotation marks omitted).

5 First, “the public’s interest in expeditious resolution of litigation always favors
6 dismissal” and can “strongly” support dismissal. *Yourish*, 191 F.3d at 990. Second, the
7 Court cannot properly manage its docket if Plaintiff fails to heed its direction on how to
8 prosecute the case from its very inception and the lawsuit will be doomed to go nowhere if
9 Plaintiff is unwilling or unable to follow the Court’s service requirements. Therefore, the
10 Court finds the second factor also weighs strongly in favor of dismissal. Third, while some
11 delays risk prejudice, because Defendant has not been served, the Court cannot see how
12 this factor could weigh in favor of dismissal. Fourth, “[b]ecause public policy favors
13 disposition of cases on their merits, this factor weighs against dismissal.” *Wystrach v.*
14 *Ciachurski*, 267 F. App’x 606, 608 (9th Cir. 2008).

15 The fifth factor weighs strongly in favor of dismissal. When evaluating this factor,
16 the Court considers whether less-drastic sanctions could be appropriate, whether it has
17 already tried them, and whether the noncompliant party has been warned that the case could
18 be dismissed for failure to comply. *Connecticut Gen. Life Ins. Co. v. New Images of*
19 *Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007). Here, a local rule expressly authorizes
20 the Court to summarily dispose of issues when an “unrepresented party” fails to “file the
21 required answering memoranda.” LRCiv 7.2(i). Additionally, in the Court’s order to show
22 cause, the Court explicitly advised Plaintiff of their obligation to respond in a specific
23 manner and the consequences of non-compliance. (See Doc. 5.) As for the availability of
24 less-drastic sanctions, the Court concludes such alternatives would be inappropriate here
25 because Plaintiff must ultimately serve the complaint or be able to follow court guidance
26 in doing so to proceed and successfully prosecute the matter, whether based on the initial
27 complaint or any amended complaint. Thus, the fifth factor strongly supports dismissal.
28 Although dismissal itself is a drastic sanction, see *Ferdik*, 963 F.2d at 1260, dismissal

1 without prejudice is less drastic and the Court finds it appropriate in this case to balance
2 the competing interests at this juncture.

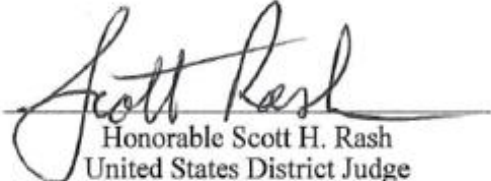
3 Therefore, the Court will exercise its discretion to dismiss the action summarily.
4 *See United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979).

5 Accordingly,

6 **IT IS ORDERED** this case is **DISMISSED WITHOUT PREJUDICE** for failure
7 to comply with a court order pursuant to Local Rule of Civil Procedure 7.2(i) and Federal
8 Rule of Civil Procedure 41(b) and the other authorities herein.

9 **IT IS FURTHER ORDERED** the Clerk of Court shall docket accordingly,
10 terminate the pending motions and application, and close this case.

11 Dated this 28th day of May, 2025.

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14 Honorable Scott H. Rash
United States District Judge
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