

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

REACHLOCAL, INC., a Delaware  
Corporation,

Plaintiff-Appellant,

v.

PPC CLAIM LIMITED, a British limited  
company; et al.,

Defendants-Appellees.

No. 16-56644

D.C. No. 2:16-cv-01007-R-AJW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Submitted February 13, 2018\*\*

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

ReachLocal, Inc. appeals from the district court's order dismissing sua sponte for failure to prosecute ReachLocal's diversity action alleging state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion, *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992), and we reverse and remand.

The district court dismissed ReachLocal's action for failure to prosecute at a status conference attended by counsel for both parties. In doing so, the district court abused its discretion because it failed to warn ReachLocal of the possibility of dismissal, and did not consider less drastic alternatives. *See id.* at 273-74.

We deny ReachLocal's request for reassignment to a different district judge on remand. *See Krechman v. County. of Riverside*, 723 F.3d 1104, 1111-12 (9th Cir. 2013) (setting forth factors warranting reassignment).

**REVERSED and REMANDED.**