

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Justin v. SF State University

Justin · No. 25-cv-03492-TSH · Decided May 19, 2025

SUMMARY

The court orders Plaintiff Malik M. Justin to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court deadlines. The order explains that the application to proceed in forma pauperis was denied because the financial information was unclear or incomplete and directs Plaintiff to file a declaration by June 2, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 19, 2025
DOCKET	25-cv-03492-TSH
DISPOSITION	other
PROCEDURAL POSTURE	After Plaintiff filed a complaint and an application to proceed in forma pauperis, the court issued an order to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court deadlines.
PRECEDENTIAL VALUE	Unknown

TOPICS

civil procedure

PRACTICE AREAS

Civil procedure

QUESTIONS PRESENTED

- Whether the court may sua sponte order a plaintiff to show cause why an action should not be dismissed for failure to prosecute and failure to comply with court deadlines.

HOLDINGS

1. The court possesses inherent authority to dismiss an action sua sponte to achieve the orderly and expeditious disposition of cases; based on Plaintiff's failure to respond, the court properly ordered him to show cause why dismissal should not follow.

KEY QUOTATIONS

- “The Court possesses the inherent power to dismiss an action sua sponte “to achieve the orderly and expeditious disposition of cases.”” (at 2)*
- “Notice is hereby provided that failure to file a written response will be deemed an admission that you do not intend to prosecute, and this case will likely be dismissed.” (at 2)*

FACTUAL BACKGROUND

Malik M. Justin filed a complaint and sought leave to proceed in forma pauperis. His application contained crossed-out and conflicting answers concerning employment, income, home ownership, bank accounts, and expenses, leaving the court unable to determine whether he qualified. After the court denied the application, Justin failed to respond.

PROCEDURAL HISTORY

Plaintiff initiated the action by filing a complaint and an application to proceed in forma pauperis. The court found the financial information in the application unclear and denied the application. Plaintiff failed to respond, so the court ordered him to file a declaration by June 2, 2025, showing cause why the case should not be dismissed.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962)

OPINION

Justin v. SF State University

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 MALIK M. JUSTIN, Case No. 25-cv-03492-TSH 8 Plaintiff,

ORDER TO SHOW CAUSE

9 v.

10 SF STATE UNIVERSITY,

11 Defendant. 12

13 Plaintiff Malik M. Justin initiated this lawsuit by filing a complaint (ECF No. 1) and 14
application to proceed in forma pauperis (ECF No. 2). Based on the information provided in his 15
application, the Court was unable to determine whether Plaintiff is entitled to proceed in forma 16
pauperis. For instance, while Plaintiff states he is not presently employed, for past employment, 17
he wrote in a number then crossed it out and wrote in his initials, so there is no information about
18 his past employment. For question 2 (“Have you received, within the past twelve (12) months,
19 any money from any of the following sources”), he checked yes for every box, then crossed out
all 20 the yesses and put in his initials – it is unclear what that means, since he didn’t check the no
box 21 for any of them. Plaintiff also states he is or was a radio music artist, but he doesn’t provide
22 information about how much money he made. For question 5 (“Do you own or are you buying
a 23 home?”), he checked both yes and no, crossed out the yes, then wrote no above the yes line
and 24 yes above the no line. For question 7 (“Do you have a bank account?”), Plaintiff answered
both yes 25 and no, then crossed out both answers and wrote in his initials. He also wrote in a
bank (Credit 26 Bank), but he doesn’t say what the balance is. For question 8 (“What are your
monthly 27 expenses?”), Plaintiff doesn’t list any. As such, the Court denied Plaintiff’s application
and 1 2025. ECF No. 9. Plaintiff has failed to respond. 2 The Court possesses the inherent power
to dismiss an action sua sponte “to achieve the 3 orderly and expeditious disposition of cases.”
Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 4 |} (1962). Accordingly, the Court ORDERS
Plaintiff to show cause why this case should not be 5 dismissed for failure to prosecute and failure
to comply with court deadlines. Plaintiff shall file a 6 declaration by June 2, 2025. Notice is
hereby provided that failure to file a written response will 7 || be deemed an admission that you do
not intend to prosecute, and this case will likely be dismissed. 8 Thus, it is imperative the Court
receive a written response by the deadline above. 9 IT IS SO ORDERED. 10 11 Dated: May 19,
2025

12 TAA. |

THOMAS S. HIXSON

13 United States Magistrate Judge 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28