

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Carey v. Torres

Carey v. Torres · No. 24-cv-09534-TSH · Decided February 25, 2025

SUMMARY

The United States District Court for the Northern District of California orders Plaintiffs Cecilia Carey and Karren Moorer to show cause why their case should not be dismissed for failure to prosecute and failure to comply with court deadlines. The court requires a written declaration by March 11, 2025, and warns that failure to respond will likely result in dismissal.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
DECIDED	February 25, 2025
DOCKET	24-cv-09534-TSH
DISPOSITION	other
PROCEDURAL POSTURE	After granting Plaintiffs' applications to proceed in forma pauperis and finding their complaint deficient under 28 U.S.C. § 1915(e), the magistrate judge ordered Plaintiffs to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court deadlines.
PRECEDENTIAL VALUE	Unpublished district court order

TOPICS

civil procedure

PRACTICE AREAS

civil procedurecivil rights

QUESTIONS PRESENTED

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

HOLDINGS

1. A federal court possesses inherent authority to dismiss an action sua sponte to achieve the orderly and expeditious disposition of cases, including when a plaintiff fails to prosecute or comply with court deadlines.

KEY QUOTATIONS

“to achieve the orderly and expeditious disposition of cases.” (at 1)

FACTUAL BACKGROUND

Cecilia Carey and Karren Moorer initiated the action by filing a complaint and applications to proceed in forma pauperis. Although the Court granted the applications, it found the complaint deficient and ordered Plaintiffs to file a first amended complaint by February 24, 2025. Plaintiffs did not respond or otherwise appear after filing the complaint.

PROCEDURAL HISTORY

Plaintiffs filed the complaint and in forma pauperis applications on December 31, 2024. On January 23, 2025, the Court granted the in forma pauperis applications, found the complaint deficient under 28 U.S.C. § 1915(e), and directed Plaintiffs to file a first amended complaint by February 24, 2025. Plaintiffs filed no amended complaint or other response, so the Court issued an order to show cause requiring a written declaration by March 11, 2025.

DISPOSITION

other

CASES CITED

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

OPINION

Carey v. Torres

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 CECILIA CAREY and KARREN Case No. 24-cv-09534-TSH

MOORER,

8 Plaintiffs, ORDER TO SHOW CAUSE 9 v. 10 MAURICIO TORRES, et al., 11 Defendants. 12
13 On December 31, 2024, Plaintiffs Cecilia Carey and Karren Moorer initiated this lawsuit 14 by
filing a complaint (ECF No. 1) and applications to proceed in forma pauperis (ECF Nos. 2, 3). 15
On January 23, 2025, the Court granted the ifp applications but found the complaint deficient 16

under 28 U.S.C. § 1915(e). ECF No. 8. The Court directed Plaintiffs to file a first amended 17
complaint by February 24, 2025. The Court also warned Plaintiffs that failure to cure the 18
deficiencies would result in the case being reassigned to a district judge with a recommendation 19
for dismissal. No response has been received, and Plaintiffs have otherwise made no appearance
20 since filing their complaint in December. 21 The Court possesses the inherent power to dismiss
an action sua sponte “to achieve the 22 orderly and expeditious disposition of cases.” Link v.
Wabash R.R. Co., 370 U.S. 626, 629-33 23

(1962). Accordingly, the Court ORDERS Plaintiffs Cecilia Carey and Karren Moorner to show
24 cause why this case should not be dismissed for failure to prosecute and failure to comply with
25 court deadlines. Plaintiffs shall file a declaration by March 11, 2025. Notice is hereby provided
26 that failure to file a written response will be deemed an admission that you do not intend to 27
1 prosecute, and this case will likely be dismissed. Thus, it is imperative the Court receive a
written 2 || response by the deadline above. 3 IT IS SO ORDERED. 4 5 Dated: February 25, 2025
6 TAA. lj

THOMAS S. HIXSON

7 United States Magistrate Judge 8 9 10 ll a 12 14 © 15 4 16 17 Zz 18 19 20 21 22 23 24 25 26 27
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