

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PRECEDENTIAL VALUE	Unpublished district court order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 procedure civil rights

QUESTIONS PRESENTED

1. 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)