

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dean Michael Stevens v. Shuge Nite

Stevens v. Nite · No. 2:25-cv-0785-DAD-JDP (P) · Decided October 10, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Dean Michael Stevens to show cause why his action should not be dismissed. The order follows plaintiff’s failure to comply with a prior directive to file an amended complaint or a voluntary notice of dismissal, and gives him twenty-one days to respond or file one of those documents.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 10, 2025
DOCKET	2:25-cv-0785-DAD-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	After screening the complaint and finding that it failed to state a claim, the court ordered plaintiff to file an amended complaint or a voluntary notice of dismissal. When plaintiff failed to do so, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the court may require plaintiff to show cause why the action should not be dismissed for failure to prosecute, failure to comply with a court order, and failure to state a claim.

HOLDINGS

- 1. A federal court possesses inherent authority to control its docket and may impose sanctions, including dismissal, when a party fails to prosecute an action, obey a court order, or comply with local rules.

KEY QUOTATIONS

“Plaintiff’s failure to respond to this order will constitute a failure to comply with a court order and will result in a recommendation that this action be dismissed.” (at 2)

FACTUAL BACKGROUND

The court had previously determined that plaintiff's complaint did not state a claim. Plaintiff was ordered to file an amended complaint or a voluntary notice of dismissal within thirty days, but the deadline passed without a response.

PROCEDURAL HISTORY

On June 10, 2025, the court screened plaintiff's complaint and notified him that it failed to state a claim. The court allowed thirty days for plaintiff to file an amended complaint or a voluntary notice of dismissal, but plaintiff did not respond. The court therefore ordered plaintiff to show cause within twenty-one days why the case should not be dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim.

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

Nite

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DEAN MICHAEL STEVENS, Case No. 2:25-cv-0785-DAD-JDP (P) 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 SHUGE NITE,

15 Defendant. 16

17 On June 10, 2025, I screened plaintiff’s complaint and notified him that it did not state a claim. ECF No. 12. I ordered him to file, within thirty days, either an amended complaint or a 19

voluntary notice of dismissal. Id. The deadline has passed without word from plaintiff. 20 The court has the inherent power to control its docket and may, in the exercise of that 21 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 22 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party to 23 comply with these Rules or with any order of the Court may be grounds for imposition by the 24 Court of any and all sanctions . . . within the inherent power of the Court.”). A court may dismiss 25 an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure 26 to comply with local rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) 27 (dismissal for lack of prosecution and failure to comply with local rules). 28 I will give plaintiff a chance to explain why the court should not dismiss the case for his 1 | failure to comply with the June 10 order. Plaintiff’s failure to respond to this order will constitute 2 | a failure to comply with a court order and will result in a recommendation that this action be 3 | dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case 4 | should not be dismissed for failure to prosecute, failure to comply with court orders, and failure to 5 | state a claim. Should plaintiff wish to continue with this lawsuit, he shall file, within twenty-one 6 | days, an amended complaint, or a notice of voluntary dismissal. 7 g IT IS SO ORDERED. Dated: _ October 10, 2025 Q_—_—.

10 JEREMY D. PETERSON

i UNITED STATES MAGISTRATE JUDGE

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