

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

L.R. v. Robert Mueller, et al.

L.R. v. Mueller · No. 23-cv-03421-PHK · Decided August 18, 2025

SUMMARY

The United States District Court for the Northern District of California issued an order to show cause after the self-represented plaintiff failed to file an amended complaint or seek an extension by the court-ordered deadline. The court ordered the plaintiff to file an amended complaint or explain why the action should not be dismissed for failure to prosecute and failure to comply with court orders by September 18, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Peter H. Kang
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 18, 2025
DOCKET	23-cv-03421-PHK
DISPOSITION	other
PROCEDURAL POSTURE	Order to show cause issued after the pro se plaintiff failed to file an amended complaint by the court-ordered deadline or request an extension.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	L.R. v. Robert Mueller, et al.

TOPICS

- civil procedure
- pleadings
- administrative law

PRACTICE AREAS

- civil procedure
- social security

QUESTIONS PRESENTED

1. Whether the court may issue an order to show cause when a plaintiff fails to prosecute the action and fails to comply with a court order.
2. Whether plaintiff must file an amended complaint or explain why the action should not be dismissed by the stated deadline.

HOLDINGS

1. A federal district court possesses inherent authority, including under Federal Rule of Civil Procedure 41(b), to dismiss an action sua sponte when a plaintiff fails to prosecute or fails to comply with court orders.

KEY QUOTATIONS

“The Court possesses the inherent power to dismiss an action sua sponte if a plaintiff fails to prosecute their action or fails to comply with court orders.” (at 1)

“Accordingly, the Court herein ORDERS that, by no later than September 18, 2025, Plaintiff SHALL EITHER (1) file an amended complaint which addresses and cures the deficiencies noted by the Court’s June 9, 2025 Order, OR (2) file a written response to this Order to Show Cause explaining why this action should not be dismissed for failure to prosecute this case or for failure to comply with the Court’s directives and orders.” (at 1)

FACTUAL BACKGROUND

Plaintiff, proceeding without counsel, filed a complaint and sought in forma pauperis status. After screening, the court dismissed the complaint without prejudice for frivolousness and failure to state a claim, while allowing amendment by August 1, 2025. Plaintiff missed that deadline by more than two weeks, filed no amended complaint, and did not request additional time.

PROCEDURAL HISTORY

Plaintiff filed an initial complaint and an application to proceed in forma pauperis on July 7, 2023. The court granted in forma pauperis status on May 13, 2024, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), and dismissed it without prejudice on June 9, 2025, granting leave to amend by August 1, 2025. After plaintiff failed to amend or seek an extension, the court issued this order to show cause and directed plaintiff to file an amended complaint or explain why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 987 (9th Cir. 1999)

OPINION

Richards v. Mueller

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN FRANCISCO DIVISION

7 8 L.R.,1 Case No. 23-cv-03421-PHK 9 Plaintiff, ORDER TO SHOW CAUSE RE:

FAILURE TO PROSECUTE AND

10 v. FAILURE TO COMPLY WITH COURT

ORDER

11 ROBERT MUELLER, et al., Re: Dkt. 8 12 Defendants. 13 14 On July 7, 2023, Plaintiff, who is
representing himself in this action, filed an initial 15 Complaint and application to proceed in
forma pauperis (“IFP”). See Dkts. 1, 3. The Court 16 granted Plaintiff’s IFP application on May
13, 2024. [Dkt. 7]. The Court then proceeded to 17 undertake the mandatory screening of the
Complaint required by 28 U.S.C. § 1915(e)(2)(B). On

18 June 9, 2025, the Court dismissed Plaintiff’s Complaint without prejudice, pursuant to 28
U.S.C.

19 § 1915(e)(2)(B), as frivolous and for failure to state a claim for relief. [Dkt. 8]. The Court
granted 20 Plaintiff leave to file an amended complaint curing the pleading deficiencies by no later
than

21 August 1, 2025. Id.

22 The August 1, 2025 deadline for filing an amended complaint has passed by more than two 23
weeks. To date, Plaintiff has neither filed an amended complaint nor requested an extension of 24
time from the Court to do so. 25 26 1 As noted by this Court in previous Orders, it appears that
Plaintiff through this lawsuit may be seeking review of an adverse decision regarding social
security benefits. Accordingly, as is the 27 Court’s practice in social security cases and out of an
abundance of caution, the Court will refer to 1 The Court’s June 9, 2025 Order stated that
“[f]ailure to file an amended complaint by the 2 deadline herein and failure to prosecute this action
timely may result in negative consequences for 3 Plaintiff’s case, including recommendation for
dismissal of this action with prejudice under 4 Federal Rule of Civil Procedure 41(b) for failure to
prosecute.” Id. at 10. 5 The Court possesses the inherent power to dismiss an action sua sponte if a
plaintiff fails 6 to prosecute their action or fails to comply with court orders. Fed. R. Civ. P. 41(b);
see Link v. 7 Wabash R.R. Co., 370 U.S. 626, 629-30 (1962) (dismissal for failure to prosecute);
Yourish v. Cal. 8 Amplifier, 191 F.3d 983, 987 (9th Cir. 1999) (dismissal for failure to comply with
court orders). 9 Plaintiff was previously informed, and is warned again by this Order to Show
Cause, that failure 10 to comply with this Court’s orders and failure to prosecute this case will
result in negative 11 consequences for Plaintiff’s case, including the dismissal of this action.

Specifically, failure to 12 respond to this Order to Show Cause and failure to file an amended complaint by the deadline will 13 be found to be a failure to comply with this Court's orders and a failure to prosecute this lawsuit, 14 which will lead to consequences adverse to Plaintiff's lawsuit. 15 Accordingly, the Court herein ORDERS that, by no later than September 18, 2025, 16 Plaintiff SHALL EITHER (1) file an amended complaint which addresses and cures the 17 deficiencies noted by the Court's June 9, 2025 Order, OR (2) file a written response to this Order 18 to Show Cause explaining why this action should not be dismissed for failure to prosecute this 19 case or for failure to comply with this Court's directives and orders. To be clear, if Plaintiff files 20 (by September 18, 2025) an amended complaint curing the deficiencies noted in the June 9, 2025 21 Order, such a filing will be deemed to be a response to this Order to Show Cause and no other 22 written response would be necessary. 23 If Plaintiff needs additional time to prepare and file an amended complaint, Plaintiff shall 24 explain why and how much additional time is needed in any written response filed by the 25 September 18, 2025 deadline.

26 If Plaintiff fails to respond to this Order to Show Cause by the September 18, 2025 27 deadline set herein, the Court will reassign this action to a District Judge with a recommendation] The Clerk is directed to mail this Order to Show Cause to Plaintiff at their address of 2 record. 3 IT IS SO ORDERED. 4 || Dated: August 18, 2025 5

PETER H. KANG

6 United States Magistrate Judge 7 8 9 10 11 a 12 & 13 14 15 16 17 © 18 19 20 21 22 23 24 25 26 27 28