

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lovell v. Schweitzer, et al.

Lovell · No. 25-cv-05785-TSH · Decided November 17, 2025

SUMMARY

The United States District Court for the Northern District of California ordered Plaintiff David Lovell to show cause why his case should not be dismissed for failure to prosecute and failure to comply with court deadlines. The court stated that Plaintiff had failed to file an amended complaint after being directed to cure deficiencies identified during screening under 28 U.S.C. § 1915(e). Plaintiff was ordered to submit a declaration by December 1, 2025, and warned that failure to respond would likely result in dismissal.

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	November 17, 2025
DOCKET	25-cv-05785-TSH
DISPOSITION	other
PROCEDURAL POSTURE	After granting Plaintiff's application to proceed in forma pauperis and finding his complaint deficient under 28 U.S.C. § 1915(e), the court ordered him to file an amended complaint. When Plaintiff failed to respond, 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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	David Lovell v. Stefan Schweitzer, et al.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court deadlines.

HOLDINGS

1. The court may issue an order to show cause based on a plaintiff's failure to prosecute and failure to comply with court deadlines, including in anticipation of possible sua sponte dismissal.

KEY QUOTATIONS

“The Court possesses the inherent power to dismiss an action sua sponte “to achieve the orderly and expeditious disposition of cases.”” (at 1)

FACTUAL BACKGROUND

David Lovell initiated the action by filing a complaint and an application to proceed in forma pauperis. The court granted in forma pauperis status but determined that the complaint was deficient under 28 U.S.C. § 1915(e) and ordered an amended complaint. Lovell failed to comply with that order or otherwise respond.

PROCEDURAL HISTORY

Plaintiff filed a complaint and an application to proceed in forma pauperis. The court granted the application on October 10, 2025, but found the complaint deficient and directed Plaintiff to file an amended complaint curing specified deficiencies. Plaintiff did not respond, so the court ordered him to file a declaration by December 1, 2025, explaining why the action should not be dismissed.

DISPOSITION

other

CASES CITED

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

OPINION

Lovell

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 DAVID LOVELL, Case No. 25-cv-05785-TSH 8 Plaintiff,

ORDER TO SHOW CAUSE

9 v. 10 STEFAN SCHWEITZER, et al., 11 Defendants. 12 13 Plaintiff David Lovell initiated this lawsuit by filing a complaint (ECF No. 1) and 14 application to proceed in forma pauperis (ECF No. 3). On October 10, 2025, the Court granted his 15 application but found the complaint deficient under 28 U.S.C. § 1915(e). ECF No. 6. The Court 16 directed Plaintiff to file an amended complaint curing the deficiencies identified in the screening 17 order, warning that the case could be dismissed if he failed to do so. Plaintiff has failed to 18 respond. The Court possesses the inherent power to dismiss an action sua sponte “to achieve the 19 orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33 20

(1962). Accordingly, the Court ORDERS Plaintiff David Lovell to show cause why this case 21 should not be dismissed for failure to prosecute and failure to comply with court deadlines. 22 Plaintiff shall file a declaration by December 1, 2025. Notice is hereby provided that failure to file 23 a written response will be deemed an admission that you do not intend to prosecute, and this case 24 will likely be dismissed. Thus, it is imperative the Court receive a written response by the 25 deadline above. 26 The Court encourages Plaintiff to seek assistance from the Federal Pro Bono Project, a free 27 service offered by the Justice & Diversity Center of the Bar Association of San Francisco. You 1 may request an appointment by emailing fedpro@sfbar.org or calling 415-782-8982. At the 2 || Federal Pro Bono Project, you will be able to speak with an attorney who may be able to provide 3 basic legal help but not representation. More information is available at 4 || <https://www.cand.uscourts.gov/pro-se-litigants/>. 5 Plaintiff may also wish to obtain a copy of this District’s Handbook for Litigants Without a 6 || Lawyer, which provides instructions on how to proceed at every stage of your case. The 7 || handbook is available in person at the Clerk’s Office and online at: 8 || <https://www.cand.uscourts.gov/pro-se-litigants/>. 9 IT IS SO ORDERED. 10 11 Dated: November 17, 2025

THOMAS S. HIXSON

13 United States Magistrate Judge («4 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28