

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated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)