

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Dauda Iliya v. United States Marshals Service

Iliya v. United States Marshals Service, Case No. 24-cy-03720-TSH (N.D. Cal. Apr. 7, 2025) · No. 24-cy-03720-TSH · Decided April 7, 2025

SUMMARY

The United States District Court for the Northern District of California issued a third order to show cause in response to Plaintiff Dauda Iliya’s failure to oppose the United States Marshals Service’s motion to dismiss. The Court vacated the noticed hearing and ordered Plaintiff to file a declaration and either an opposition or statement of nonopposition by April 21, 2025, warning that failure to respond could result in dismissal for failure to prosecute and noncompliance with court deadlines.

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               | April 7, 2025                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 24-cy-03720-TSH                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The defendant's motion to dismiss was pending, and the plaintiff failed to file a timely opposition. The court issued a third order to show cause directing the plaintiff to explain why the action should not be dismissed for failure to prosecute and failure to comply with court deadlines, and why the motion to dismiss should not be granted. |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status is unknown                                                                                                                                                                                                                                                                                      |

TOPICS

- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

1. Whether the court may require plaintiff to show cause why the action should not be dismissed sua sponte for failure to prosecute and failure to comply with court deadlines.
2. Whether plaintiff should be required to respond to defendant's pending motion to dismiss in compliance with the local rules.

## HOLDINGS

1. The court may use its inherent power to require plaintiff to show cause why the action should not be dismissed sua sponte for failure to prosecute and failure to comply with court deadlines.

## KEY QUOTATIONS

*“to achieve the orderly and expeditious disposition of cases.”* (1)

## FACTUAL BACKGROUND

Defendant filed a motion to dismiss. Plaintiff failed to file an opposition in compliance with Civil Local Rule 7 and had also failed to comply with court deadlines. The court therefore required plaintiff to show cause why the action should not be dismissed for failure to prosecute and why the motion to dismiss should not be granted.

## PROCEDURAL HISTORY

Defendant United States Marshals Service filed a motion to dismiss. Plaintiff Dauda Iliya did not file an opposition in compliance with Civil Local Rule 7. The court vacated the noticed hearing date and ordered plaintiff to file a declaration and either a compliant opposition or a statement of nonopposition by April 21, 2025; defendant could file a reply by April 28, 2025.

## DISPOSITION

other

## CASES CITED

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

## OPINION

Iliya v. United States Marshalls Service

PER CURIAM.

1

2 UNITED STATES DISTRICT COURT

3 NORTHERN DISTRICT OF CALIFORNIA

4 5 DAUDA ILIYA, Case No. 24-cy-03720-TSH 6 Plaintiff,

7 y. THIRD ORDER TO SHOW CAUSE

8 UNITED STATES MARSHALS SERVICE,

9 Defendant. 10 Pending before the Court is a motion to dismiss filed by Defendant United States

Marshals

Service. ECF No. 29. Plaintiff Dauda Iliya failed to file an opposition in compliance with Civil Local Rule 7. The Court possesses the inherent power to dismiss an action sua sponte “to achieve the orderly and expeditious disposition of cases.” *Link vy. Wabash R.R. Co.*, 370 U.S. 626, 629-33

(1962). Accordingly, the Court hereby VACATES the April 17, 2025 noticed hearing date and 15 ORDERS Plaintiff to show cause why this case should not be dismissed for failure to prosecute 16 and failure to comply with court deadlines, as well as why Defendant’s motion should not be M7 granted. Plaintiff shall file a declaration by April 21, 2025 and simultaneously file either an a 18 opposition in compliance with Civil Local Rule 7-3(a) or a statement of nonopposition in 19 compliance with Local Rule 7-3(b). If Plaintiff files an opposition, Defendant may file any reply 20 || by April 28, 2025. 71 Notice is hereby provided that failure to file a written response will be deemed an 22 admission that you do not intend to prosecute, and this case will likely be dismissed. Thus, it is 23 imperative the Court receive a written response by the deadline above. 24 IT IS SO ORDERED. 25 Dated: April 7, 2025

27 THOMAS S. HIXSON

28 United States Magistrate Judge