

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown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)