

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Andrew U.D. Straw v. Facebook

Straw · No. 24-cv-08625-PHK · Decided October 15, 2025

SUMMARY

The United States District Court for the Northern District of California issued an order to show cause after Plaintiff Andrew U.D. Straw failed to file an amended complaint or request an extension by the court-ordered deadline. The order directs Plaintiff to file an amended complaint, request a reasonable extension, or explain why the action should not be dismissed for failure to prosecute and failure to comply with court orders by November 14, 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	October 15, 2025
DOCKET	24-cv-08625-PHK
DISPOSITION	other
PROCEDURAL POSTURE	After dismissing Plaintiff's complaint without prejudice and granting leave to amend, the court issued an order to show cause because Plaintiff failed to file an amended complaint or request an extension by the deadline.
PRECEDENTIAL VALUE	unpublished, nonprecedential order
PARTIES	Andrew U.D. Straw v. Facebook

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil litigation

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 orders.
2. Whether the court may sua sponte dismiss an action for failure to prosecute or failure to comply with court orders.

HOLDINGS

1. A federal court possesses inherent authority to dismiss an action sua sponte when a plaintiff fails to prosecute the action 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)

“If Plaintiff fails to respond to this Order to Show Cause in one of the ways directed herein by the November 14, 2025 deadline set herein, the Court will issue a report and recommendation that this action be dismissed with prejudice for failure to prosecute and failure to comply with court orders” (at 2)

FACTUAL BACKGROUND

Plaintiff, an attorney proceeding pro se, filed this action against Facebook and sought to proceed in forma pauperis. After granting the application, the court dismissed the complaint without prejudice as frivolous and for failure to state a claim, while allowing Plaintiff to file an amended complaint curing identified deficiencies. Plaintiff did not file an amended complaint or request an extension by the October 8, 2025 deadline.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an application to proceed in forma pauperis on December 2, 2024. The court granted the IFP application on September 8, 2025, screened and dismissed the complaint without prejudice as frivolous and for failure to state a claim, and granted leave to amend by October 8, 2025. After Plaintiff failed to amend or seek an extension, the court ordered him to show cause and set a new deadline of November 14, 2025.

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

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SAN FRANCISCO DIVISION 7 8 ANDREW U.D. STRAW, Case No. 24-cv-08625-PHK 9
Plaintiff, ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE AND 10 v. FAILURE TO

COMPLY WITH COURT ORDERS 11 FACEBOOK, Re: Dkt. 29 12 Defendant. 13 14 On December 2, 2024, Plaintiff Andrew U.D. Straw, an attorney who is representing 15 himself in this action, filed the Complaint in this lawsuit contemporaneously with an application to 16 proceed in forma pauperis (“IFP”).

See Dkts. 1-2. The Court granted Plaintiff’s IFP application 17 on September 8, 2025. [Dkt. 28]. The Court then undertook the mandatory screening of 18 Plaintiff’s Complaint, as required by 28 U.S.C. § 1915(e)(2)(B). By Order dated September 8, 19 2025, the Court dismissed Plaintiff’s Complaint without prejudice, pursuant to 28 U.S.C. 20 § 1915(e)(2)(B), as frivolous, and for failure to state a claim for relief.

[Dkt. 29]. The Court 21 granted Plaintiff leave to file an amended complaint curing the pleading deficiencies discussed in 22 the September 8, 2025 Order, by no later than October 8, 2025. Id. 23 The October 8, 2025 deadline to file an amended complaint has passed by approximately 24 one week.

To date, Plaintiff has neither filed an amended complaint nor requested an extension of 25 time from the Court to do so. 26 The Court’s September 8, 2025 Order stated that “[i]f Plaintiff does not file an amended 27 complaint by the ordered deadline or if he cannot cure the identified deficiencies, that may result 1 Court that this action be dismissed with prejudice, either in whole or in part.” [Dkt.

29 at 15]. 2 While the Court recognizes that Plaintiff is representing himself pro se, he is a licensed attorney 3 and the Court expects that Plaintiff fully understands that the previous admonishment continues to 4 hold true. 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 a recommendation for the dismissal of this action with 12 prejudice.

Specifically, failure to respond to this Order to Show Cause and failure to file an 13 amended complaint by the new deadline set herein will be found to be a failure to comply with 14 this Court’s orders and a failure to prosecute this lawsuit, which will lead to consequences adverse 15 to Plaintiff’s lawsuit. 16 Accordingly, the Court herein ORDERS that, by no later than NOVEMBER 14, 2025, 17 Plaintiff SHALL EITHER (1) file an amended complaint which addresses and cures the 18 deficiencies noted by the Court’s September 8, 2025 Order [Dkt.

9]; OR (2) file a written request 19 for a further reasonable extension of time in which to file an amended complaint which addresses 20 and cures the deficiencies noted by the Court's September 8, 2025 Order [Dkt. 9]; OR (3) file a 21 written response to this Order to Show Cause explaining why this action should not be dismissed 22 for failure to prosecute this case or for failure to comply with this Court's directives and orders.

23 To be clear, if Plaintiff files, by November 14, 2025, an amended complaint addressing 24 and curing the deficiencies noted in the September 8, 2025 Order, or if Plaintiff files, by 25 November 14, 2025, a written request explaining the good faith bases for a reasonable extension 26 of time in which to file an amended complaint addressing and curing the deficiencies noted in the 27 September 8, 2025 Order, filing of either will be deemed to be a response to this Order to Show] If Plaintiff chooses to file a request for a reasonable extension of time in which to file an 2 ||} amended complaint addressing and curing the deficiencies noted in the Court's September 8, 2025 3 Order, Plaintiff shall explain, in a written response filed by the November 14, 2025 deadline, why 4 || an extension of time is warranted under applicable legal standards and how much additional 5 || reasonable time is needed to prepare and file such an amended complaint.

6 If Plaintiff fails to respond to this Order to Show Cause in one of the ways directed herein 7 || by the November 14, 2025 deadline set herein, the Court will issue a report and recommendation 8 || that this action be dismissed with prejudice for failure to prosecute and failure to comply with 9 || court orders, along with an Order directing the Clerk of Court to reassign this case to a district 10 || judge for consideration of and to take any action on that report and recommendation.

1] IT IS SO ORDERED. 13 Dated: October 15, 2025 □ 15 United States Magistrate Judge 16 Z 18 19 20 21 22 23 24 25 26 27 28