

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

David Lovell v. Maynard

No. 25-cv-05619-TSH (N.D. Cal. Nov. 6, 2025) · No. 25-cv-05619-TSH · Decided November 6, 2025

SUMMARY

The United States District Court for the Northern District of California orders Plaintiff David Lovell to show cause why his action against Maynard should not be dismissed for failure to prosecute and failure to comply with court deadlines. The order requires Plaintiff to file a declaration by November 20, 2025, warning that failure to respond will 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 6, 2025
DOCKET	25-cv-05619-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Order to show cause in a federal civil action after the U.S. Marshal was unable to serve the defendant and the plaintiff failed to provide a service address or respond to court-imposed deadlines.
PRECEDENTIAL VALUE	Unknown; order to show cause

TOPICS

- service of process
- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

- Whether the court should issue an order to show cause based on the plaintiff's failure to provide a service address and failure to comply with court deadlines.
- Whether the court possesses inherent authority to dismiss an action sua sponte for failure to prosecute.

HOLDINGS

1. The court may require the plaintiff to show cause why the action should not be dismissed when the plaintiff fails to provide information necessary for service and fails to comply with court-ordered deadlines after receiving an extension and warning.

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

The U.S. Marshal could not serve Defendant Maynard because the Alameda County Sheriff’s Office reported that Deputy Maynard was no longer an employee. Lovell failed to provide an address for service despite an order, an extended deadline, and a warning that the case could be dismissed for failure to prosecute.

PROCEDURAL HISTORY

The court granted Plaintiff David Lovell leave to proceed in forma pauperis and directed issuance and service of summons. Service was returned unexecuted because the defendant was no longer employed by the Alameda County Sheriff’s Office. After the court ordered Lovell to provide a service address, extended the deadline, and warned that failure to respond could result in dismissal for failure to prosecute, Lovell still did not respond. The court therefore ordered him to show cause 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

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
DAVID LOVELL, Case No. 25-cv-05619-TSH 8 Plaintiff, ORDER TO SHOW CAUSE 9 v. 10
MAYNARD, 11 Defendant. 12 13 On July 11, 2025, the Court granted Plaintiff David Lovell’s
application to proceed in 14 forma pauperis and directed the Clerk of Court to issue summons and
for the U.S. Marshal to 15 serve Defendant.

ECF No. 4. On August 21 the Marshal returned the summons unexecuted, 16 stating the Alameda
County Sheriff’s Office advised that Deputy Maynard is no longer an 17 employee. ECF No. 10.
As such, the Court ordered Plaintiff to provide Defendant’s address for 18 service by October 17,
2025. ECF No. 11.

After Plaintiff failed to respond, the Court extended the deadline to October 30, 2025, and warned him that this case may be dismissed for failure to prosecute if he failed to provide Defendant's service address by October 30. ECF No. 12. Plaintiff has still failed to respond. The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*

Co., 370 U.S. 626, 629-33 (1962). Accordingly, the Court ORDERS Plaintiff David Lovell to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Plaintiff shall file a declaration by November 20, 2025. Notice is hereby provided that failure to file a written response will be deemed an admission that you do not intend to prosecute, and this case will likely be dismissed.

Thus, it is imperative the Court receive a written response by November 20. The Court again encourages Plaintiff to seek assistance from the Federal Pro Bono Project, a free service offered by the Justice & Diversity Center of the Bar Association of San Francisco. You may request an appointment by emailing fedpro@sfbar.org or calling 415-782-8982.

At the Federal Pro Bono Project, you will be able to speak with an attorney who may be able to provide basic legal help but not representation. More information is available at <https://www.cand.uscourts.gov/pro-se-litigants/>. Plaintiff may also wish to obtain a copy of this District's Handbook for Litigants Without a Lawyer, which provides instructions on how to proceed at every stage of your case.

The handbook is available in person at the Clerk's Office and online at: <https://www.cand.uscourts.gov/pro-se-litigants/>. IT IS SO ORDERED. Dated: November 6, 2025 16 AM. □ THOMAS S. HIXSON United States Magistrate Judge