

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Quoc Xuong Luu v. Warden - Wasco State Prison, et al.

Luu v. Warden · No. 1:25-cv-00354-JLT-SKO · Decided December 30, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Quoc Xuong Luu to show cause within 14 days why his civil rights action should not be dismissed for failure to respond to the Court’s first screening order. The order permits Plaintiff alternatively to file a first amended complaint or a notice of voluntary dismissal and warns that failure to comply may result in a recommendation of dismissal for failure to obey court orders and failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 30, 2025
DOCKET	1:25-cv-00354-JLT-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause after a pro se prisoner plaintiff failed to respond to a screening order directing him to file a first amended complaint or a notice of voluntary dismissal.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

- sanctions
- civil procedure
- pleadings
- civil rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

- Whether the court may require Plaintiff to show cause and potentially dismiss the action for failure to comply with a court order and failure to prosecute.

2. Whether Plaintiff should receive an additional 14-day opportunity to respond to the screening order by filing a first amended complaint, a notice of voluntary dismissal, or a written explanation.

HOLDINGS

1. A district court may use its inherent docket-management power, together with applicable rules, to impose sanctions including dismissal when a party fails to prosecute an action, obey a court order, or comply with local rules.

KEY QUOTATIONS

“District courts have inherent power to control their dockets” (at 2)

“Accordingly, the Court ORDERS Plaintiff to show cause in writing, within 14 days of the date of service of this order, why this action should not be dismissed for his failure to comply with the Court’s screening order.”
(at 3)

FACTUAL BACKGROUND

Plaintiff Quoc Xuong Luu, proceeding pro se and in forma pauperis, brought a civil-rights action against the Warden of Wasco State Prison and other defendants. The court's first screening order found that the complaint failed to state a cognizable claim against any named defendant. Plaintiff did not file an amended complaint, a notice of voluntary dismissal, or any other response within the 21-day deadline.

PROCEDURAL HISTORY

Plaintiff filed an in forma pauperis civil-rights action. On December 1, 2025, the court screened the complaint, found that it failed to state a claim, and ordered Plaintiff to file a first amended complaint or notice of voluntary dismissal within 21 days. Plaintiff took no action, so the court ordered him to show cause within 14 days why the action should not be dismissed, while allowing him to file an amended complaint or voluntary dismissal instead.

DISPOSITION

other

CASES CITED

- Thompson v. Housing Authority, City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-1261 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130-131 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

Quoc Xuong Luu v. Warden - Wasco State Prison, et al.
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 QUOC XUONG LUU, Case No.: 1:25-cv-00354-JLT-SKO 12 Plaintiff, ORDER TO SHOW
CAUSE IN WRITING

WHY THIS ACTION SHOULD NOT BE

13 v. DISMISSED FOR PLAINTIFF'S FAILURE

TO RESPOND TO THE FIRST SCREENING

14 WARDEN - WASCO STATE PRISON, et ORDER

al.,

15 14-DAY RESPONSE DEADLINE

Defendants. 16 17 18 Plaintiff Quoc Xuong Luu is appearing pro se and in forma pauperis in this
civil rights 19 action.

20 I. INTRODUCTION

21 On December 1, 2025, this Court issued its First Screening Order. (Doc. 11.) The Court 22
found Plaintiff failed to state a claim upon which relief could be granted. (Id. at 4-9.) Plaintiff was
23 ordered to file a first amended complaint, or, alternatively, to file a notice of voluntary
dismissal, 24 within 21 days. 25 Although more than 21 days have passed, Plaintiff has failed to
respond to the Court's 26 screening order. 27 //

1 II. DISCUSSION

2 The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, 3 “[f]ailure of
counsel or of a party to comply with these Rules or with any order of the Court may 4 be grounds
for the imposition by the Court of any and all sanctions authorized by statute or Rule 5 or within
the inherent power of the Court.” Local Rule 110. “District courts have inherent power 6 to control
their dockets” and, in exercising that power, may impose sanctions, including dismissal 7 of an
action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). 8 A
court may dismiss an action based on a party's failure to prosecute an action, obey a court 9 order,
or comply with local rules. See, e.g., *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 10
1992) (dismissal for failure to comply with a court order to amend a complaint); *Malone v. U.S. 11*
Postal Service, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to comply with a court
12 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to 13
prosecute and to comply with local rules). 14 In the screening order, the Court found Plaintiff's
complaint fails to state a cognizable 15 claim against any named defendant. Plaintiff was directed
to file a first amended complaint, 16 curing the deficiencies identified in the screening order, or to
file a notice of voluntary dismissal, 17 within 21 days. Although more than 21 days have passed,
Plaintiff has failed to take any action.

18 III. CONCLUSION AND ORDER

19 Accordingly, the Court ORDERS Plaintiff to show cause in writing, within 14 days of 20 the

date of service of this order, why this action should not be dismissed for his failure to comply 21 with the Court's screening order. Alternatively, within that same time, Plaintiff may file either a 22 first amended complaint or a notice of voluntary dismissal. 23 WARNING: Failure to comply with this Order to Show Cause will result in a 24 recommendation that this action be dismissed for Plaintiff's failure to a failure to comply 25 with court orders and failure to prosecute. 26 IT IS SO ORDERED. 27 Dated: December 29, 2025 /s/ Sheila K. Oberto .

1 UNITED STATES MAGISTRATE JUDGE

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