

**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

OPINION

1 2 3 4 5 6 7 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 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27