

1
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
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES ZINNERMAN, et al.,
Plaintiffs,
v.
CLENTON TAXDHAL, et al.,
Defendants.

Case No. [24-cv-00141-TSH](#)
ORDER TO SHOW CAUSE

Plaintiffs Charles Zinnerman and Denise Zinnerman have filed a complaint (ECF No. 1), but it is unclear if Denise is intended as a named plaintiff. Although she is listed in the caption, Denise is not listed in the body of the complaint, the description of the claims is in the first person singular, and she didn't sign the complaint. Charles is also the only named plaintiff that filed an application to proceed in forma pauperis (ECF No. 2). As such, on January 9 the Court directed Plaintiffs to clarify the status of their filings. ECF No. 4. If Denise sought to be a plaintiff, the Court directed her to file an application to proceed in forma pauperis or pay the \$402.00 filing fee by January 31, 2024. Alternatively, if Charles intends to be the only named plaintiff, the Court directed him to file an amended complaint by the same deadline. Neither Charles nor Denise responded to the Court's order. Charles did file a document captioned "Add to Complaint," but it does not address the Court's order and instead appears to be an attempt to add further allegations to the complaint. ECF No. 6.

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** Plaintiffs Charles and Denise Zinnerman to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court

1 deadlines. Plaintiffs shall file a declaration by February 22, 2024. If a responsive declaration is
2 filed, the Court shall either issue an order based on the declaration or conduct a hearing on March
3 7, 2024 at 10:00 a.m. in Courtroom E, 15th Floor, 450 Golden Gate Avenue, San Francisco,
4 California.

5 Notice is hereby provided that failure to file a written response will be deemed an
6 admission that Plaintiff(s) do not intend to prosecute, and the Court will recommend this case be
7 dismissed. Thus, it is imperative the Court receive a written response by the deadline above.

8 **IT IS SO ORDERED.**

9

10 Dated: February 6, 2024

11


THOMAS S. HIXSON
United States Magistrate Judge

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28