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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION
7

8 CARL A. WESCOTT,
9 Plaintiff,

10 v.

11 APPLE INC,
12 Defendant.

Case No. 23-cv-06254-VKD

**ORDER TO SHOW CAUSE RE
DISMISSAL FOR FAILURE TO
PROSECUTE AND TO COMPLY
WITH COURT ORDER**

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14 On December 4, 2023, Carl A. Wescott, who is representing himself, filed a complaint,
15 along with an application for leave to proceed in forma pauperis (“IFP”). Dkt. Nos. 1, 2. On
16 December 6, 2023, the Court granted Mr. Wescott’s IFP application, but found that his complaint
17 failed to sufficiently identify a basis for the Court’s jurisdiction, and also failed to state a claim for
18 relief. Dkt. No. 4. Accordingly, the Court stayed service of process and gave Mr. Wescott until
19 January 5, 2024 to file an amended complaint. *Id.* The Court’s December 6, 2023 order stated
20 that “[i]f Mr. Wescott cannot cure the identified deficiencies, the Court will recommend
21 termination and dismissal of the complaint in whole or in part.” *Id.* at 3-4.

22 The docket indicates that Mr. Wescott has not filed an amended complaint, and the January
23 5, 2024 deadline for doing so has passed.

24 The Court possesses the inherent power to dismiss an action sua sponte “to achieve the
25 orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33
26 (1962). By **January 22, 2024**, Mr. Wescott shall file a written response to this order explaining
27 why this action should not be dismissed for his failure to prosecute his case and to comply with
28 court orders. If Mr. Wescott fails to respond to this order by the January 22, 2024 deadline, the

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Court will reassign this action to a district judge, with the recommendation that the action be dismissed without prejudice for failure to prosecute and to comply with court orders.

IT IS SO ORDERED.

Dated: January 8, 2024


Virginia K. DeMarchi
United States Magistrate Judge