

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BREAKING CODE SILENCE,

Plaintiff,

v.

CHELSEA PAPCIAK aka FILER, et al.,

Defendants.

Case No. 21-cv-00918-BAS-DEB

ORDER TO SHOW CAUSE

On February 11, 2022, the Court granted Defendants' Motions to Dismiss (ECF Nos. 35, 36), and ordered that Plaintiff file a Third Amended Complaint, if any, by no later than March 4, 2022 (ECF No. 47). That deadline has come and passed, yet Plaintiff has yet to file an amended pleading.

Rule 41(b) provides in pertinent part: "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." However, district courts, too, have the authority to dismiss *sua sponte* "cases that have remained dormant because of the inaction or dilatoriness of the part[y] seeking relief." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir 1984); *see also Luna v. U.S. Bank*, No. 09-CV-2807-L(NLS), 2011 WL 1099795, at *2 (S.D. Cal. Mar. 24, 2011) (dismissing the action *sua sponte* for plaintiff's failure to, *inter alia*, file amended complaint).

1 Because Plaintiff has failed to file, or move for an extension to file, an amended
2 pleading in this action, the Court **ORDERS** Plaintiff to show cause why it should not
3 dismiss this case for failure to prosecute pursuant to the Court's February 11, 2022 Order
4 and under this Court's inherent authority. Plaintiff may show adequate cause by filing, or
5 moving for an extension of time to file, an amended complaint **by no later than April 4,**
6 **2022.**

7 **Plaintiff is warned that a failure to file an adequate response to this Order on**
8 **or before April 4, 2022 will result in the Court dismissing this action.**

9 **IT IS SO ORDERED.**

10
11 **DATED: March 8, 2022**


Hon. Cynthia Bashant
United States District Judge