

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Tremaine Carroll v. State of California, et al.**

Carroll v. State of California · No. 1:23-cv-00974-JLT-HBK (PC) · Decided September 29, 2025

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**SUMMARY**

The United States District Court for the Eastern District of California ordered Attorney Alain Browning to show cause why sanctions should not issue for failing to comply with a prior order. The Court directed Browning within seven days to either move to withdraw or submit a declaration confirming his continued representation of Plaintiff Tremaine Carroll.

**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 TREMAINE CARROLL, Case No. 1:23-cv-00974-JLT-HBK (PC) 12  
Plaintiff, ORDER REQUIRING ATTORNEY ALAIN BROWNING TO SHOW CAUSE WHY 13  
v. SANCTIONS SHOULD NOT ISSUE FOR FAILURE TO COMPLY WITH COURT 14 STATE  
OF CALIFORNIA, et al., ORDER 15 Defendant. SEVEN DAY DEADLINE 16 17 On February  
14, 2025, Plaintiff’s former counsel, Attorney Joseph Virgilio of the Justice 18 Law Firm, moved  
to withdraw from this action.

(Doc. No. 32, “Virgilio’s Motion”). While 19 Virgilio’s Motion remained pending, Attorney Alain  
Browning, also of the Justice Law Firm, 20 entered a notice of appearance on behalf of Plaintiff.  
(Doc. No. 37). On July 2, 2025, the 21 previously assigned magistrate judge granted Virgilio’s  
Motion. (Doc. No. 41). 22 This matter was subsequently reassigned to the undersigned magistrate  
judge.

(Doc. No. 23 42). On July 31, 2025, after noting that it was unclear whether Attorney Browning  
continued to 24 represent Plaintiff in this action given he did not enter an appearance until after  
the motion to 25 withdraw was filed and was not specifically referenced in either the motion to  
withdraw or the 26 order granting the motion, the Court directed Attorney Browning to either file  
a motion to 27 withdraw or a declaration confirming his continued representation of Plaintiff  
within seven days.

28 (Doc. No. 43, “July 31, 2025 Order”). To date, Attorney Browning has not complied with the 1  
Court’s July 31, 2025 Order. 2 “The inherent powers of federal courts are those that are necessary  
to the exercise of all 3 others.” *Primus Automotive Fin. Servs., Inc. v. Batarse*, 115 F.3d 644, 648  
(9th Cir. 1997) 4 (internal quotation marks omitted). “There can be no question that courts have  
inherent power to 5 enforce compliance with their lawful orders through civil contempt.”

Shillitani v. United States, 6 384 U.S. 364, 370 (1966). “A court has power to adjudge in civil contempt any person who 7 willfully disobeys a specific and definite order requiring him to do or to refrain from doing an 8 act.” Shuffler v. Heritage Bank, 720 F.2d 1141, 1147 (9th Cir.

1983). Local Rule 110 provides 9 that “[f]ailure of counsel ... to comply ... with any order of the Court may be grounds for 10 imposition by the Court of any and all sanctions ... within the inherent power of the Court.” 11 Here, the Court ordered Attorney Browning to file either a motion to withdraw or a 12 declaration confirming his representation of Plaintiff.

(Doc. No. 43). Attorney Browning’s 13 failure to respond in any way hinders the Court’s ability to move forward with proceedings in this 14 action because it is unclear whether Plaintiff is represented by counsel or proceeding pro se. 15 Accordingly, it is ORDERED: 16 1. Within seven (7) days of the docketing date of this order, Attorney Browning is 17 DIRECTED to file either (1) a file a motion to withdraw as attorney or (2) a 18 declaration confirming his continued representation of Plaintiff.

19 2. Within seven (7) days of the docketing date this order, Attorney Browning SHALL 20 SHOW CAUSE IN WRITING why sanctions should not issue for his failure to 21 comply with the Court’s July 31, 2025 Order. 22 3. In addition to the standard notice provided by the Court, the Clerk of Court is 23 DIRECTED to email Attorney Browning at alainbrowning@yahoo.com as well as 24 mail a copy of this order to counsel’s address of record: 25 Alain Browning The Justice Firm 26 5850 Canoga Avenue Ste 4th Floor 27 Woodland Hills, CA 91367 28 4.

The Clerk of Court is DIRECTED to mail a copy of this order to Plaintiff at the 1 address below: 2 Tremaine Carroll 3 Correctional Training Facility 31625 Highway 101 4 Soledad, California 93960 5 | DONE AND ORDERED: 6 | Dated: \_ September 27, 2025 Mile. Th fareh Hack HELENA M. BARCH-KUCHTA 8 UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28