

**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

OPINION

Tremaine Carroll v. State of California, et al.

PER CURIAM.

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