

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rabb v. Figueroa

Rabb · No. 1:23-cv-00843 JLT SAB (PC) · Decided May 22, 2025

SUMMARY

The United States District Court for the Eastern District of California issues an indicative ruling denying Plaintiff Damen D. Rabb’s motions for reconsideration of terminating sanctions and dismissal with prejudice in his 42 U.S.C. § 1983 Eighth Amendment action. The court also denies Plaintiff’s application for a certificate of appealability, explaining that such a certificate is not required for a § 1983 civil action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Charis E. Tourn
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 22, 2025
DOCKET	1:23-cv-00843 JLT SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Indicative ruling on a prisoner's motions for reconsideration of a judgment imposing terminating sanctions and dismissing a 42 U.S.C. § 1983 action with prejudice, and on an application for a certificate of appealability, while a notice of appeal was pending.
STANDARD OF REVIEW	A Rule 59(e) motion is available when the court is presented with newly discovered evidence, committed clear error, or an intervening change in controlling law. Reconsideration is an extraordinary remedy committed to the district court's sound discretion and may not be used to relitigate matters or present arguments or evidence that could have been raised before judgment.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court indicative ruling

TOPICS

- motion for reconsideration
- sanctions
- appellate procedure
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

prisoner litigation

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff established grounds under Federal Rule of Civil Procedure 59(e) to reconsider the judgment imposing terminating sanctions and dismissing the action with prejudice.
2. Whether the Court could issue an indicative ruling under Federal Rule of Civil Procedure 62.1 while Plaintiff's notice of appeal was pending.
3. Whether a certificate of appealability is required or available in a civil-rights action brought under 42 U.S.C. § 1983.

HOLDINGS

1. The Court could issue an indicative ruling under Federal Rule of Civil Procedure 62.1 because the notice of appeal might have divested the district court of jurisdiction over the appealed aspects of the case.
2. Reconsideration was not warranted because Plaintiff showed neither newly discovered evidence, clear error, nor an intervening change in controlling law; mere disagreement with the sanctions order was insufficient.
3. A certificate of appealability was not required because the action was brought under 42 U.S.C. § 1983 rather than as a habeas corpus proceeding.

KEY QUOTATIONS

"In general, the filing of a notice of appeal divests the court of jurisdiction "over those aspects of the case involved in the appeal." (1)

"Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." (2)

"A Rule 59(e) motion "may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment." (2)

"Plaintiff's disagreement with the Court is insufficient to support his requests for reconsideration." (3)

"The certificate of appealability requirement applies to claims for habeas corpus relief, not a civil action." (4)

FACTUAL BACKGROUND

Damen Rabb, a state prisoner proceeding pro se, brought an Eighth Amendment action under 42 U.S.C. § 1983 against Est even Figueroa and other defendants. The Court ordered Rabb to participate in a deposition and warned that failure to participate could result in terminating sanctions. Rabb failed to participate in the deposition, preventing Defendants from adequately defending the claims, and the Court dismissed the action with prejudice.

PROCEDURAL HISTORY

Plaintiff brought an Eighth Amendment civil-rights action under 42 U.S.C. § 1983. After Plaintiff failed to participate in a court-ordered deposition despite warnings that noncompliance could result in terminating sanctions, the Court imposed terminating sanctions, dismissed the action with prejudice, and entered judgment on February 12, 2025. Plaintiff then filed motions for reconsideration and an application for a certificate of appealability, along with a notice of appeal. The Court treated the ruling as an indicative ruling under Federal Rule of Civil Procedure 62.1 and denied the motions.

DISPOSITION

other

REMAND INSTRUCTIONS

If the Court of Appeals remands the case for the district court to rule on the pending motions for reconsideration, the Court will deny the motions for reconsideration and deny the application for a certificate of appealability. The Clerk was directed to terminate the pending motions and send a copy of the order to the Ninth Circuit.

CASES CITED

- Stein v. Wood, 127 F.3d 1187, 1189 (9th Cir. 1997)
- Sanders v. Matthew, 2016 WL 11486352, at *1 n.1 (E.D. Cal. Mar. 9, 2016)
- Miller v. Marriott Int'l, Inc., 300 F.3d 1061, 1064 (9th Cir. 2002)
- Kajberouni v. Bear Valley Cmty. Servs. Dist., 2021 WL 1907606, at *2 (E.D. Cal. Sept. 14, 2021)
- Braun-Salinas v. Am. Family Ins. Grp., 2015 WL 128040, at *2 (D. Or. Jan. 8, 2015)
- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014)
- McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th Cir. 2003)
- Exxon Shipping Co. v. Baker, 554 U.S. 471, 486 n.5 (2008)
- U.S. v. Westlands Water Dist., 134 F. Supp. 2d 1111, 1131 (E.D. Cal. 2001)
- Pac. Stock, Inc. v. Pearson Educ., 927 F. Supp. 2d 991, 1005 (D. Haw. 2013)
- Moore v. Mortg. Elec. Registration Sys., Inc., 650 F. App'x 406, 407 n.1 (9th Cir. 2016)
- Am. Ironworks & Erectors, Inc. v. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001)
- Bretana v. Int'l Collection Corp., 2010 WL 1221925, at *1 (N.D. Cal. 2010)
- Utah ex rel. Div. of Forestry v. United States, 528 F.3d 712, 722-23 (10th Cir. 2008)
- Dalluge v. U.S. Dep't of Justice, 2011 WL 1675407, at *1 (W.D. Wash. May 4, 2011)
- Jenkins v. Caplan, 2010 WL 3057410, at *1 (N.D. Cal. Aug. 2, 2010)