

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Curtis Snowden, III v. A. Scott, et al.

Snowden v. Scott · No. 2:22-cv-1444 DJC SCR P · Decided March 28, 2025

SUMMARY

The United States District Court for the Eastern District of California grants defendants Scott and Jones’s motion to compel responses to discovery requests in this 42 U.S.C. § 1983 action. The court orders plaintiff to respond within fifteen days, awards \$285 in discovery-related expenses, and stays enforcement of the fee assessment pending a showing of plaintiff’s ability to pay.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 28, 2025
DOCKET	2:22-cv-1444 DJC SCR P
DISPOSITION	other
PROCEDURAL POSTURE	In a 42 U.S.C. § 1983 action alleging Eighth Amendment violations, defendants Scott and Jones moved to compel responses to discovery requests and sought \$285 in expenses incurred in preparing the motion.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Curtis Snowden, III v. A. Scott, Jones, Yang

TOPICS

- discovery dispute
- sanctions
- attorney fees
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- discovery
- sanctions

QUESTIONS PRESENTED

1. Whether plaintiff's failure to oppose the motion to compel and comply with the order to show cause constituted a waiver of opposition under Local Rule 230(l).
2. Whether defendants were entitled to an order compelling plaintiff to respond to the discovery requests.
3. Whether defendants were entitled to recover \$285 in reasonable expenses incurred in preparing the motion to compel.
4. Whether enforcement of the expense award should be stayed because plaintiff was proceeding in forma pauperis.

HOLDINGS

1. Under Local Rule 230(l), plaintiff's failure to respond to the motion to compel or show good cause for his untimely response constituted a waiver of opposition.
2. The motion to compel was granted, and plaintiff was ordered to respond to Jones's interrogatories and Scott's request for production of documents within fifteen days.
3. Defendants Scott and Jones were entitled to \$285 in reasonable expenses incurred in preparing the motion to compel, notwithstanding plaintiff's pro se status.
4. Enforcement of the \$285 expense award was stayed because plaintiff was proceeding in forma pauperis, subject to defendants' ability to move to lift the stay upon a showing that plaintiff could pay.

KEY QUOTATIONS

“Plaintiff has not filed a response to defendants’ motion to compel or to this court’s order to show cause. Accordingly, pursuant to Local Rule 230(l), the court deems plaintiff’s failure a waiver of opposition and grants defendants’ motion to compel.” (at 1)

FACTUAL BACKGROUND

Defendants Scott and Jones served plaintiff with interrogatories and requests for production, but plaintiff provided no responses. Defendants attempted to meet and confer by letter before filing their motion to compel. Plaintiff did not respond to the motion or to the court's subsequent order to show cause.

PROCEDURAL HISTORY

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, did not timely oppose defendants' motion to compel. After the court issued an order to show cause and warned that failure to respond would waive opposition, plaintiff filed neither a response nor an explanation. The court deemed opposition waived, granted the motion to compel, awarded \$285 in expenses, and stayed enforcement of the fee assessment pending a showing of plaintiff's ability to pay.

DISPOSITION

other

CASES CITED

- Warren v. Guelker, 29 F.3d 1386, 1390 (9th Cir. 1994)
- Thomas v. Gerber Prod., 703 F.2d 353, 357 (9th Cir. 1983)
- Shabazz v. Giurbino, No. 1:11-cv-1558 DAD SAB PC, 2016 WL 4992684, at *3 (E.D. Cal. Sept. 19, 2016)

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