

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Calvin Willis v. Matthew Taylor, et al.

Willis · No. 22-cv-03427-HSG · Decided October 23, 2025

SUMMARY

The United States District Court for the Northern District of California ordered Plaintiff Calvin Willis to participate in a November 4, 2025 deposition and directed any counsel representing him to file a notice of appearance and confer with defense counsel. The Court warned that failure to participate or comply with its prior discovery order could result in terminating sanctions, including dismissal under Federal Rule of Civil Procedure 41(b), and ordered related status reports and a potential response to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 23, 2025
DOCKET	22-cv-03427-HSG
DISPOSITION	other
PROCEDURAL POSTURE	In a pro se prisoner civil-rights action under 42 U.S.C. § 1983, the district court issued an order directing Plaintiff to participate in a scheduled deposition and requiring a response to a potential failure-to-prosecute dismissal if the deposition did not occur.
PRECEDENTIAL VALUE	Unknown; district-court order directing compliance and issuing an order to show cause.
PARTIES	Calvin Willis v. Matthew Taylor, et al.

TOPICS

- discovery dispute
- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- discovery sanctions

QUESTIONS PRESENTED

1. Whether the court should direct Plaintiff to participate in the scheduled November 4, 2025 deposition and require counsel, if any, to enter an appearance and coordinate the deposition.
2. Whether continued failure to participate in the deposition or comply with the court's discovery order could support terminating sanctions or dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Plaintiff must participate in the November 4, 2025 deposition. If Plaintiff is represented by counsel, counsel must be present, and counsel must file a notice of appearance and confer with defense counsel before the deposition.
2. If Plaintiff fails to participate in the deposition or otherwise disobeys the court's order, the court may consider sanctions, including dismissal under Federal Rules of Civil Procedure 37(b)(2) and 41(b), and Plaintiff must show cause why the action should not be dismissed if the deposition does not occur.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure require Plaintiff to allow Defendant to conduct discovery regarding any nonprivileged matter that is relevant to the case, which would include taking Plaintiff’s deposition.” (at 3)

“These further orders may include prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence, or dismissing the action or proceeding in whole or in part.” (at 3-4)

“The Court ORDERS Plaintiff to participate in his November 4, 2025 deposition.” (at 4)

FACTUAL BACKGROUND

Calvin Willis, a California state inmate proceeding in a § 1983 action, alleged that Defendant Matthew Taylor used excessive force against him at San Quentin State Prison on March 14, 2019. Defendant attempted to depose Willis four times between March and October 2025, but the deposition did not occur because of a transfer, Willis's stated efforts to obtain counsel, or uncertainty about whether counsel represented him. The court had previously compelled the deposition and warned that failure to participate could result in discovery sanctions or dismissal.

PROCEDURAL HISTORY

Plaintiff filed the action in June 2022 alleging that a correctional officer used excessive force in violation of the Eighth Amendment. After several unsuccessful attempts to depose Plaintiff, the court ordered Plaintiff on October 14, 2025, to appear for and participate in a deposition and warned that noncompliance could result in sanctions or dismissal. The deposition was rescheduled for November 4, 2025, and this order directed Plaintiff and counsel to comply with specified appearance and reporting requirements and ordered Plaintiff to show cause if the deposition did not occur.

DISPOSITION

other

CASES CITED

- King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)
- Lacey v. Maricopa Cty., 693 F.3d 896 (9th Cir. 2012)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991)
- Link v. Wabash Railroad Co., 370 U.S. 626, 630-32 (1961)

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