

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

Victor Molinero Puente v. Warden

Puente v. Warden · No. 1:23-cv-00083-CDB (HC) · Decided September 11, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered counsel for the respondent in a federal habeas corpus action to show cause within five days why sanctions should not be imposed. The order cites repeated failures to comply with filing deadlines and court orders, and warns that failure to respond may result in sanctions.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 VICTOR MOLINERO PUENTE, Case No. 1:23-cv-00083-CDB (HC) 12
Petitioner, ORDER DIRECTING RESPONDENT TO SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE 13 v. IMPOSED FOR FAILURE TO OBEY COURT ORDERS 14
WARDEN, (Docs. 15, 17) 15 Respondent. 16 5-DAY DEADLINE 17 18 Petitioner Victor
Molinero Puente (“Petitioner”) is a federal prisoner proceeding pro se and in 19 forma pauperis
with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

(Doc. 1). 20 On August 21, 2025, Respondent filed a request for a brief extension of time to file a
response 21 to the petition considering counsel’s anticipated receipt of documents from the U.S.
Bureau of Prisons 22 necessary for preparing the response. (Doc. 15).

The Court granted Respondent’s request on August 23 22, 2025, extending to September 9, 2025,
the deadline for Respondent to respond to the petition. (Doc. 24 17). 25 The deadline to file a
response has passed and Respondent has failed to file either a response to 26 the petition, a request
for further extension, or a report explaining the delinquency. 27 On five prior occasions in
unrelated habeas actions, the undersigned has admonished counsel for 28 Respondent, Assistant
United States Attorney (“AUSA”) Michelle Rodriguez, to exercise better care in 1 anticipating the
need to request an extension of time and to file such requests before the terminal filing 2 date that
Respondent seeks to extend, in violation of Local Rule 144.

See *Blanc v. Taylor*, No. 1:24-cv- 3 01212-KES-CDB, 2025 WL 437661, at *1 (E.D. Cal. Feb. 7,
2025) (citing cases). The undersigned 4 repeatedly has noted that this district’s local rules
expressly provide that such last-minute requests are 5 disfavored and require parties to seek
extensions “as soon as the need for an extension becomes 6 apparent.” *Id.* 7 In the government’s
response to the Court’s most recent show cause order, AUSA Audrey B. 8 Hemesath, the direct

supervisor of AUSA Rodriguez, represented that the “assigned AUSA in this case 9 has taken on the immigration § 2241 caseload in addition to the traditional § 2241 caseload, with no 10 additional resources, because the U.S. Attorney’s Office in the Eastern District has multiple vacancies 11 at the AUSA level and the support staff level that cannot presently be filled.” (Blanc, Doc.

16 at 2). 12 AUSA Hemesath further attested that “[t]o avoid future repetition of this problem, undersigned counsel 13 is working with the § 2241 staff to identify ways in which the need for an extension can be anticipated 14 as soon as possible, consistent with the Local Rules.” Id. at 3. 15 Despite the representations of AUSA Hemesath, instead of filing requests for extensions in 16 compliance with the local rules, counsel for Respondent now has failed to timely respond to the petition 17 entirely – and offered no explanation for the delinquency.

In short, the government’s seeming inability 18 or unwillingness to manage simple and routine calendaring has required the Court to expend its limited 19 resources supervising the government’s filing deadlines to ensure habeas petitioners’ constitutional 20 rights are protected and the Court’s docket does not become any more strained than it already is. 21 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or 22 with any order of the Court may be grounds for imposition by the Court of any and all sanctions...

23 within the inherent power of the Court.” The Court has the inherent power to control its docket and 24 may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the 25 action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000). 26 The Court also may impose sanctions for civil contempt “to coerce obedience to a court order.” 27 Gen.

Sig. Corp. v. Donallco, Inc., 787 F.2d 1376, 1380 (9th Cir. 1986). Consistent with this, the Court 28 of Appeals long has affirmed the district court’s discretion to impose sanctions intended to coerce a 1 || noncompliant party into compliance with court orders. See, e.g., *Gen. Sig. Corp. v. Donallco, Inc.*, 9° 2 || F.2d 1013 (9th Cir. 1991) (affirming district court’s award of \$100,000 sanction that “was coercive at 3 || not compensatory” as “an amount required to prevent future violations”) (unpublished); *acco: 4 || Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1480 (9th Cir.

1992) (affirming distri 5 || court’s imposition of daily sanctions to coerce compliance with court order). 6 Based on AUSA Rodriguez’s pattern of disregarding the Court’s orders, the failure of couns 7 || for Respondent to implement measures to adhere to the local rules as represented by AUSA Hemesat 8 || and the escalating severity of counsels’ failures thereof, the Court finds the imposition of sanctions 9 || be warranted to coerce compliance with its orders.

10 Conclusion and Order 11 Accordingly, IT IS HEREBY ORDERED that within five (5) days of entry of this order, couns 12 ||for Respondent shall file a response in writing why sanctions should not be imposed for tl 13 || government's repeated failure to comply with this Court's orders. Counsel for Respondent's filing shz 14 || address, specifically, the reason for her failure to file a response to the petition by the extended deadlin 15 Any failure by counsel for Respondent to timely respond to this order will result in the impositic 16 |} of sanctions.

17 ll TT IS SO ORDERED. Is aarD Rr Dated: _ September 11, 2025 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28