

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

OPINION

Warden

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

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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

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