

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Anthony Calzada v. Dr. Larry Williamson, et al.

Case No. 2:22-cv-02050-GMN-NJK; Docket No. 86 · No. 2:22-cv-02050-GMN-NJK; Docket No. 86 · Decided
December 23, 2025

OPINION

Calzada

PER CURIAM.

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

6 7 Anthony Calzada, Case No. 2:22-cv-02050-GMN-NJK 8 Plaintiff(s),

CORRECTED ORDER1

9 v. [Docket No. 86] 10 Dr. Larry Williamson, et al., 11 Defendant(s). 12 Pending before the Court
is Defendant’s motion for dismissal sanctions. Docket No. 86.2 13 Parties seeking significant
relief are expected to support their request with a 14 correspondingly robust factual showing and
legal argument. See, e.g., *Cobb v. United States*, 15 2022 WL 1308114, at *1 n.1 (D. Nev. May 2,
2022) (citing *Taddeo v. Am. Invsco Corp.*, 2015 16 WL 751072, at *1 (D. Nev. Feb. 20, 2015)).
Stated bluntly, “dismissal is not a sanction to be 17 invoked lightly.” *Ballard v. Carlson*, 882 F.2d
93, 95 (4th Cir. 1989). 18 The instant motion fails on several levels. It seeks the drastic sanction of
dismissal through 19 a memorandum consisting of roughly three pages of text, followed by
roughly one page of factual 20 “certification[s].” Docket No. 86 at 2-6. The motion does not
address in direct or meaningful 21 fashion how the well-established multi-factor analysis supports
a dismissal sanction, a 22 shortcoming that alone warrants denial of the motion. See, e.g., *Lall v.*
Corner Inv. Co., 2022 WL 23 22883685, at *1 (D. Nev. Jan. 12, 2022). In addition, the motion
acknowledges that a finding of 24 1 This corrected order is being issued to address a
typographical error in the original order. 25 Docket No. 99. The order is resolving the motion for
sanctions, Docket No. 86, and not the motion for summary judgment, Docket No. 85. The Clerk’s
Office is INSTRUCTED to strike the order 26 at Docket No. 99 and to revive the motion for
summary judgment at Docket No. 85. 27 2 The Court has discretion to grant a motion as
unopposed, see Local Rule 7-2(d), but it is not required to do so, see, e.g., *Mendez v. Fiesta Del*
Norte Home Owners Assoc., 2016 WL 28 1643780, at *2 (D. Nev. Apr. 26, 2016). 1} willfulness,
bad faith, or fault is required to obtain the relief sought, but meaningfully developed 2|| argument
is not presented on that issue. Instead, the motion contends that the Court must infer 3] bad faith
given the length of time Plaintiff possessed the discovery, the volume of discovery, and 4]
Plaintiffs failure to respond to the discovery. See *id.* at 4. No legal authority is presented in 5],

support of that position, including no case law addressing whether the circumstances attendant to 6] a pro se plaintiff's incarceration may be pertinent to analyzing potential bad faith in failing to 7|| respond to discovery. Cf Docket No. 84 (identifying apparent difficulties). 8 If the above deficiencies were not enough, the only cases cited in support of this request 9] are two unpublished Ninth Circuit memorandum dispositions from 1997 and 1999. See Docket 10] No. 86 at 3. Counsel was prohibited from citing these dispositions. See 9th Cir. R. 36-3(c) 11] ('Unpublished dispositions and orders of this Court issued before January 1, 2007 may not be cited to the courts of this circuit' except in limited circumstances not present here).?_As such, this motion seeking the extreme remedy of dismissal is not supported by any citable case law. 14 In short, the instant motion is insufficiently developed and supported for a finding that the 15|| extreme sanction of dismissal should be imposed on Plaintiff. Accordingly, the motion is 16] DENIED. 17 IT IS SO ORDERED. 18 Dated: December 23, 2025 Nancy J. Koppe 20 United States Magistrate Judge 21 22 23 > This is not an obscure rule hidden away in the basement of a distant library, but rather is well-known to practitioners in federal court. At any rate, the rule is identified prominently in each 24| of these memorandum dispositions themselves both on the top of the document and in a footnote that explains specifically that "[t]his disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3." It is unclear how these explicit warnings were missed here. Hence, counsel has sought severe sanctions against a pro se prisoner by filing a motion in a manner that itself could warrant sanctions, see, e.g., *Wisdom v. Easton Diamond Sports, LLC*, 2018 WL 6264994, at *2 n.3 (C.D. Cal. Oct. 9, 2018) (warning 27| of sanctions for violating the Ninth Circuit's non-citation rule), in a case in which that attorney has already been cautioned that "he must comply with all orders, comply with all applicable rules, and 28] devote sufficient attention to this case," Docket No. 80 at 1.