

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Damon Bentley Franklin v. E. Webb

Franklin v. Webb · No. 2:23-CV-1140-DMC-P · Decided June 10, 2025

SUMMARY

The document contains an order and findings and recommendations concerning a prisoner civil-rights action in the Eastern District of California. The magistrate judge recommends granting the defendant’s unopposed motion for terminating sanctions and dismissing the action without prejudice based on the plaintiff’s failure to complete a court-ordered deposition. The court also stays outstanding deadlines and recommends denying the motion to compel written-discovery responses as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	U.S. District Court for the Eastern District of California
DECIDED	June 10, 2025
DOCKET	2:23-CV-1140-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner-plaintiff's civil-rights action was before the magistrate judge on the defendant's motions for terminating sanctions, to compel written discovery responses, and to stay discovery deadlines. The magistrate judge ordered a stay of outstanding case deadlines and recommended that the district judge grant terminating sanctions and dismiss the action without prejudice.
STANDARD OF REVIEW	Whether terminating sanctions are warranted under Federal Rule of Civil Procedure 37(b)(2)(v), considering the Ninth Circuit's five-factor test for terminating sanctions.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; final disposition remained pending district-judge review.

TOPICS

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

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether terminating sanctions, including dismissal without prejudice, were warranted for the plaintiff's failure to attend and complete a court-ordered deposition.
2. Whether the defendant's motion to compel written discovery responses should be denied as moot in light of the recommended dismissal.
3. Whether outstanding discovery deadlines should be stayed pending the district judge's final ruling on terminating sanctions.

HOLDINGS

1. Terminating sanctions were appropriate because the plaintiff refused to comply with the court's deposition order, obstructed the deposition, and terminated it before completion; dismissal without prejudice was therefore recommended for lack of prosecution and failure to comply with court rules and orders.
2. The motion to compel responses to written discovery was recommended for denial as moot because dismissal of the action was recommended.
3. The motion to stay outstanding case deadlines was granted pending the assigned district judge's final ruling on the motion for terminating sanctions.

FACTUAL BACKGROUND

The plaintiff, a prisoner proceeding pro se, failed to complete a court-ordered deposition. Although he appeared for the rescheduled deposition, he repeatedly obstructed questioning and unilaterally ended the deposition after about 30 minutes. The court found that this conduct impeded the expeditious resolution of the case, prejudiced the defendant's ability to defend, and followed repeated warnings that noncompliance with court orders could result in dismissal.

PROCEDURAL HISTORY

The defendant noticed the plaintiff's deposition, but the plaintiff initially refused to appear. After the court granted an unopposed motion to compel and ordered the plaintiff to appear, the plaintiff appeared for a later deposition but obstructed questioning and terminated the deposition after approximately 30 minutes. The defendant moved for terminating sanctions, to compel written discovery responses, and to stay discovery deadlines. The magistrate judge granted the stay pending district-judge review, recommended dismissal without prejudice for lack of prosecution and failure to comply with court rules and orders, and recommended denying the discovery motion as moot.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130, 132-33 & n.1 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

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