

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Matthew Matherne v. Houma Police Department, et al.

Matherne · No. 2:24-cv-01561 · Decided January 8, 2026

SUMMARY

The court denies defendants’ motion to dismiss a pro se plaintiff’s excessive-force claims under Rules 37 and 41(b). Although the plaintiff failed to appear for a court-ordered deposition and failed to respond to motions and court orders, the court finds that dismissal with prejudice is not warranted and that dismissal without prejudice would effectively operate as a dismissal with prejudice because the limitations period has expired. The court therefore stays and administratively closes the case, and denies the motion to compel without prejudice as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 8, 2026
DOCKET	2:24-cv-01561
PROCEDURAL POSTURE	Defendants moved to dismiss the pro se plaintiff's remaining 42 U.S.C. § 1983 excessive-force claims under Federal Rules of Civil Procedure 37(b) and 41(b) based on his failure to appear for a court-ordered deposition and failure to prosecute. Defendants also moved to compel discovery. The parties had consented to proceed before the magistrate judge.
STANDARD OF REVIEW	Under Rule 41(b), dismissal for failure to prosecute or failure to comply with the Federal Rules or a court order is discretionary and derives from the court's inherent authority to control its docket. Dismissal with prejudice is reserved for the most egregious cases and generally requires clear delay, ineffective lesser sanctions, and aggravating factors such as intentional, personally caused, prejudicial delay. Rule 37 permits sanctions, including dismissal, for failure to attend a properly noticed deposition, but lesser sanctions must be unavailable and prior warning is generally favored.
PARTIES	Matthew Matherne v. Matthew Henry, Houma Police Department

QUESTIONS PRESENTED

1. Whether Matherne's failure to appear for a second deposition and failure to prosecute warranted dismissal under Federal Rules of Civil Procedure 37(b) and 41(b).
2. Whether the court could dismiss the action without prejudice notwithstanding the expiration of the applicable Louisiana one-year prescriptive period for the Section 1983 claims.
3. Whether defendants' motion to compel should be granted while the action was stayed and administratively closed.

HOLDINGS

1. Dismissal with prejudice was not warranted because the record did not establish purposeful delay or contumacious conduct, particularly in light of Matherne's pro se status.
2. The court could not dismiss the claims without prejudice because the applicable limitations period had expired, making a without-prejudice dismissal effectively prejudicial.
3. The remaining excessive-force claims were stayed and the case administratively closed; the motion to compel was denied without prejudice as moot and could be reurged if the case was reopened.

FACTUAL BACKGROUND

Matherne, a pro se pretrial detainee, alleged that Officer Matthew Henry tackled him during an April 4, 2024 arrest, dislocating his right knee. During an October 6, 2025 deposition, Matherne stopped answering questions concerning the incident and left before the deposition was completed. Although the court ordered him to attend a second deposition on November 26, 2025, he did not appear and subsequently failed to respond to defendants' motions or the court's orders; the record also left uncertainty about whether he received notice of the second deposition and dismissal motion.

PROCEDURAL HISTORY

Matherne filed suit concerning an April 4, 2024 arrest and later amended his complaint. After statutory screening, the court dismissed the Houma Police Department and permitted excessive-force claims against Matthew Henry to proceed; the district judge adopted that recommendation. Matherne failed to complete a deposition, failed to appear for a second court-ordered deposition, and failed to respond to motions and court orders. The court denied dismissal, stayed the remaining claims, administratively closed the case, and denied the motion to compel without prejudice as moot.