

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harrell v. Puckett

Harrell · No. 2:23-CV-1448-DC-DMC · Decided April 28, 2025

SUMMARY

The United States District Court for the Eastern District of California sanctions pro se Plaintiff Peter T. Harrell for failing to appear at a court-ordered scheduling conference and a subsequent order-to-show-cause hearing. The court finds no good cause for the failure, determines that monetary sanctions are appropriate, and orders Plaintiff to pay \$500 within 30 days, warning that further noncompliance may result in terminating sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 28, 2025
DOCKET	2:23-CV-1448-DC-DMC
DISPOSITION	other
PROCEDURAL POSTURE	In a pending pro se civil action, the magistrate judge considered an order to show cause and whether to impose sanctions after Plaintiff failed to appear at a court-ordered scheduling conference and then failed to appear at the show-cause hearing.
STANDARD OF REVIEW	The court applied the standards governing sanctions imposed under a court's inherent authority, including the requirement of conduct tantamount to bad faith and the five-factor test applicable to dismissal for failure to prosecute or comply with a court order.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- sanctions
- contempt
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's objections to the scheduling conference excused his failure to appear.
2. Whether the lack of service or filing of Defendants' answer relieved Plaintiff of his obligation to participate in the court-ordered scheduling conference.
3. Whether Plaintiff's failures to appear constituted bad-faith noncompliance warranting sanctions under the court's inherent authority.
4. Whether a \$500 monetary sanction was appropriate instead of terminating sanctions.

HOLDINGS

1. Filing objections to a court order does not constitute an appearance and does not excuse a party from complying with an order requiring the party's presence at a hearing.
2. Service or filing of an answer is not a prerequisite to the court's authority to order a scheduling or pretrial conference, and the absence of service did not relieve Plaintiff of his duty to appear.
3. Monetary sanctions were appropriate because Plaintiff's failure to appear, combined with his inadequate and disingenuous explanation, constituted conduct tantamount to bad faith and violated the court's orders.

KEY QUOTATIONS

"When the Court orders a party's presence at a hearing, filing objections to such an order does not constitute an appearance nor excuse a party's appearance." (at 4)

"Most important, Defendants' failure to serve the answer on Plaintiff does not relieve Plaintiff of his duty to comply with the order setting the subject scheduling conference" (at 6)

"Plaintiff cannot decide for himself that he is relieved of the duty to comply with a court order." (at 7)

FACTUAL BACKGROUND

The court ordered Plaintiff to participate in a remote scheduling conference and sent Zoom access information to the email address listed in his filings. Plaintiff filed objections concerning service of Defendants' answer, procedural guidance, and the scheduling process, but did not appear at the March 26, 2025 conference or contact the court about technological difficulties. He also failed to appear personally at the April 18 order-to-show-cause hearing. The court found that his explanation was insufficient and disingenuous, particularly because he had previously participated in a joint scheduling statement in another case.

PROCEDURAL HISTORY

The court ordered a scheduling conference for March 26, 2025, and directed the parties to file a joint statement. Plaintiff filed objections but did not appear at the scheduling conference. The court then issued an order to show cause, directing Plaintiff to appear personally on April 18, 2025, and explain why monetary or terminating sanctions should not be imposed. Plaintiff filed a written response but failed to appear at the April 18 hearing.

The court imposed a \$500 monetary sanction and warned that noncompliance could result in terminating sanctions.

DISPOSITION

other

CASES CITED

- Pagtalunan v. Galaza, 291 F.3d 639, 640 (9th Cir. 2002)
- Nelson v. Adams USA, Inc., 529 U.S. 460, 466-67 (2000)
- MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986)
- Roadway Express v. Piper, 447 U.S. 752, 765 (1980)
- Link v. Wabash R. Co., 370 U.S. 626, 632 (1962)
- Urs Holdings, Inc. v. Topolewski, 2023 U.S. App. LEXIS 24660, at *2 (9th Cir. Sept. 18, 2023)
- Fink v. Gomez, 239 F.3d 989, 994 (9th Cir. 2001)
- Arrowhead Capital Fin., Ltd. v. Picturepro, LLC, 2023 U.S. App. LEXIS 189, at *3-4 (9th Cir. Jan. 5, 2023)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- Methven & Assocs. Prof'l Corp. v. Kelley, 669 F. App'x 923, 925 (9th Cir. 2016)
- Olson v. Hornbrook Community Services District, et al., Case No. 2:15-cv-00646-DC-DMC