NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 9, 2023*
Decided March 13, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 21-2797

VASSIL MARINOV,
Plaintiff-Appellant,

v.

FCA US LLC,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, Hammond Division at Lafayette.

No. 4:18-CV-56-TLS-APR

Theresa L. Springmann,
Judge.

* We have agreed to decide these appeals without oral argument because the briefs and records adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

No. 21-2798

VASSIL MARINOV, *Plaintiff-Appellant,*	Appeal from the United States District Court for the Northern District of Indiana, Hammond Division at Lafayette.
v.	No. 4:18 CV 59
UNITED AUTO WORKERS, *Defendant-Appellee.*	James T. Moody, *Judge.*

No. 21-2799

VASSIL MARINOV, *Plaintiff-Appellant,*	Appeal from the United States District Court for the Northern District of Indiana, Hammond Division at Lafayette.
v.	Nos. 4:18-CV-75-TLS-APR & 4:18-CV-80-TLS-APR
FCA US LLC,[†] *Defendant-Appellee.*	Theresa L. Springmann, *Judge.*

ORDER

Vassil Marinov filed several lawsuits against his employer and his union. During the consolidated litigation in district court, he frivolously relitigated adverse rulings—despite increasingly severe warnings, filing restrictions, and fines designed to deter that behavior. When those penalties did not halt Marinov's misconduct, the district court dismissed his suits as a sanction. That decision was reasonable, and we affirm.

[†] The caption originally referred to this party as "Fiat Chrysler Automotive." The party has since informed us that "FCA US LLC" is the proper title. We have changed the caption to reflect this.

Background

In four separate complaints, Marinov sued his employer and his union for employment discrimination and related issues, including the deduction of union dues from his paycheck. Dissatisfied with the defendants' responses to his discovery requests, Marinov filed several motions to compel further responses. A magistrate judge ruled that most of his requests were either too broad or sought material that the defendants did not possess. For example, Marinov repeatedly sought from the international union materials that, the judge explained, likely belonged to the local union. Over the next few months, Marinov filed new motions that relitigated these adverse rulings.

For the sake of efficiency, the district court reassigned all of Marinov's cases to one magistrate judge, who consolidated them for discovery. Within one week of that reassignment, Marinov moved to challenge the consolidation, renewed his rejected discovery arguments, and requested that the magistrate judge recuse himself. In response, the magistrate judge temporarily ordered Marinov not to file any more motions until all pending ones had been resolved. Disobeying this order, over the next month Marinov filed more motions. Eventually, the magistrate judge denied all the pending motions and reaffirmed the prior discovery orders. The judge then vacated the temporary filing bar on new motions but sternly warned Marinov against filing "repetitious and baseless" motions. Marinov asked the judge to clarify that warning, and the judge obliged:

> Marinov has been unwilling to accept an adverse ruling from the court. Even if he disagrees with the ruling, he must understand that the ruling is final. … [And i]f an attorney for the defendant, as an officer of the court, states that certain documents do not exist, Marinov must accept that representation.

Despite this clarified warning, Marinov continued to relitigate previously rejected issues (e.g., seeking the recusal of the magistrate judge and production of unavailable documents), leading to monetary sanctions. At first, the magistrate judge sanctioned Marinov $100 for each such motion. Marinov objected to the sanction by repeating his previously rejected arguments and adding that he was not proficient in English and thus had trouble understanding the orders. The judge responded with a more severe sanction of $500 for another frivolous filing. Rather than pay or change his approach, Marinov again objected, repeating that his previous motions were proper. The judge then issued a $1,000 sanction. Ignoring the sanction, Marinov filed yet

another motion to compel. This prompted the judge to reimpose a filing bar, ordering Marinov to stop filing motions until further notice. Undeterred, Marinov filed several more motions.

Because warnings, fines, and filing bars had not worked, the magistrate judge sua sponte recommended dismissal with prejudice as a sanction for Marinov's behavior. The judge then warned Marinov how he may respond to the recommendation: "Marinov is **WARNED** that he may file ONE and ONLY ONE pleading in response to this Recommendation. … After that ONE pleading has been filed, Marinov may not file any additional pleadings until after the district judge has ruled on this Recommendation." Again, Marinov disobeyed. He filed multiple responses, repeating his discovery objections and challenges to the prior sanctions. The judge gave a final warning: "This is Marinov's **FINAL WARNING**: if he continues to file pleadings in violation of the … Recommendation, additional sanctions **WILL BE IMPOSED**." Even so, over the next three months, Marinov filed over a dozen motions.

The district judges in each case adopted the magistrate judge's report and, based on the court's inherent authority, dismissed all of Marinov's cases with prejudice. The judges found that Marinov had willfully abused the judicial process, his asserted lack of English proficiency did not excuse his conduct, and lesser sanctions (the warnings and fines) had failed to deter him.

Analysis

On appeal, Marinov contests the district court's decision to dismiss his cases with prejudice as a sanction. A discretionary sanction of dismissal based on the court's inherent power requires a finding that the litigant "willfully abused the judicial process or otherwise conducted the litigation in bad faith," a finding we review for clear error. *Ramirez v. T&H Lemont, Inc.*, 845 F.3d 772, 776 (7th Cir. 2016) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 50 (1991)); *Donelson v. Hardy*, 931 F.3d 565, 569 (7th Cir. 2019).

Marinov first contends that the district court clearly erred in its willful-abuse finding because the court, he says, ignored that he lacked English proficiency and thus could not understand the court's orders or willfully disobey them. But the record amply supports the court's findings that Marinov understood the English language sufficiently and thus willfully disobeyed the orders. We list a few examples. First, Marinov repeatedly accused the defendants of lying in their discovery responses, but to accuse them of lying, he had to have understood what they were saying. Second, after the court consolidated Marinov's cases for discovery, he objected to the consolidation and

sought the magistrate judge's recusal. He thus conveyed that he understood what consolidation meant and who was in charge. Finally, when the magistrate judge clarified his warning against Marinov's "baseless" motions, the judge explained that Marinov's motions reflected his unwillingness "to accept adverse rulings from the court." Marinov later replied that his motions merely challenged the defendants' discovery responses—not the court's decisions. This flyspecking of the court's orders shows a nuanced understanding of (and refusal to accept) their contents. Given these examples, the court did not clearly err by finding that Marinov willfully abused the judicial process by intentionally disobeying court orders.

Marinov also argues that, apart from the district court's findings, the sanction of dismissal with prejudice was too harsh and thus an abuse of discretion. Although dismissal is a "severe sanction," *Martin v. Redden*, 34 F.4th 564, 568 (7th Cir. 2022), it was proportionate here because of the extent of Marinov's misconduct and the inefficacy of lesser sanctions. *See Donelson*, 931 F.3d at 569–70. Marinov's misconduct was prolonged: Over the course of over two years, he filed scores of motions that rehashed matters already decided by the court. And his behavior persisted despite warnings, temporary restrictions on filing, and escalating but largely unpaid monetary sanctions. *See id.* The court put Marinov on notice about the potential consequences if his behavior continued and reasonably concluded that sanctions short of dismissal would not stop Marinov's abusive conduct.

Finally, in his appellate brief, Marinov challenges our prior refusal to recruit counsel for this appeal. We construe this challenge as a motion to reconsider our earlier decision and deny it because the scarce resource of recruited counsel is not appropriate in a case like this that has no possible merit. *See Watts v. Kidman*, 42 F.4th 755, 758, 761, 766 (7th Cir. 2022) (citing *Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc)).

Therefore, we AFFIRM the judgments of the district court and DENY Marinov's implied motion for reconsideration regarding counsel.

Furthermore, it appears Marinov has not fully paid the sanctions the district court imposed. Until Marinov pays in full this sanction, the clerks of all federal courts in this circuit are directed to return unfiled any papers submitted either directly or indirectly by him or on his behalf. *See In re City of Chicago*, 500 F.3d 582, 585–86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). In accordance with our decision in *Mack*, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. *See Mack*, 45 F.3d at 186-87. This order will be lifted immediately once Marinov makes full payment. *See City of Chicago*, 500 F.3d

at 585–86. If Marinov, despite his best efforts, is unable to pay in full the sanction, no earlier than two years from the date of this order he is authorized to submit to this court a motion to modify or rescind this order. *See id.*; *Mack*, 45 F.3d at 186.