

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 27 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTONIO GOODWIN,

Plaintiff - Appellant,

v.

AT&T CORPORATION,

Defendant - Appellee.

No. 26-123

D.C. No.

2:23-cv-01950-GMN-DJA

District of Nevada,

Las Vegas

ORDER

Before: SILVERMAN, PAEZ, and H.A. THOMAS, Circuit Judges.

This court lacks jurisdiction over this appeal because the magistrate judge orders challenged in the notices of appeal and amended notices of appeal filed on December 31, 2025, and January 5, 8, 12, and 13, 2026, are not final or immediately appealable. *See* 28 U.S.C. § 1291; *see also Flam v. Flam*, 788 F.3d 1043, 1046 (9th Cir. 2015) (magistrate judge may hear and determine non-dispositive matters under 28 U.S.C. § 636(b)(1)(A)). This appeal is therefore dismissed. *See* 9th Cir. R. 3-6(b) (if court determines it lacks jurisdiction, court may dismiss appeal without notice or further proceedings).

Appellant's repeated filing of interlocutory appeals over which this court lacks jurisdiction may result in the imposition of monetary sanctions and/or a pre-filing review order.

No further filings will be entertained in this closed case.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 3 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTONIO GOODWIN,

Plaintiff - Appellant,

v.

AT&T CORPORATION,

Defendant - Appellee.

No. 26-927

D.C. No.

2:23-cv-01950-GMN-DJA

District of Nevada,

Las Vegas

ORDER

Appellant's motion to proceed in forma pauperis does not include a financial affidavit. Within 21 days, appellant must submit a completed Form 4. If appellant does not do so, the motion to proceed in forma pauperis may be denied.

The clerk will serve Form 4 on appellant.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 18 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTONIO GOODWIN,

Plaintiff - Appellant,

v.

AT&T CORPORATION,

Defendant - Appellee.

No. 25-7565

D.C. No.

2:23-cv-01950-GMN-DJA

District of Nevada,

Las Vegas

ORDER

Before: CLIFTON, HURWITZ, and BRESS, Circuit Judges.

This court lacks jurisdiction over this appeal because the December 1, 2025 notice of appeal does not challenge a final or immediately appealable order entered by the district court. *See* 28 U.S.C. § 1291; *Medhekar v. United States Dist. Court*, 99 F.3d 325, 326 (9th Cir. 1996) (discovery orders not immediately appealable); *see also Flam v. Flam*, 788 F.3d 1043, 1046 (9th Cir. 2015) (magistrate judge may hear and determine non-dispositive matters under 28 U.S.C. § 636(b)(1)(A)). This appeal is therefore dismissed. *See* 9th Cir. R. 3-6(b) (if court determines it lacks jurisdiction, court may dismiss appeal without notice or further proceedings).

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 18 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTONIO GOODWIN,

Plaintiff - Appellant,

v.

AT&T INC.,

Defendant - Appellee.

No. 25-3774

D.C. No.

2:23-cv-01950-GMN-DJA

District of Nevada,

Las Vegas

ORDER

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

This court lacks jurisdiction over this appeal because the June 5, 2025 order challenged in the notice of appeal is not final or immediately appealable. *See* 28 U.S.C. § 1291; *Riverhead Sav. Bank v. Nat'l Mortgage Equity Corp.*, 893 F.2d 1109, 1113 (9th Cir. 1990) (Rule 11 sanctions order against party is not appealable collateral order). This appeal is therefore dismissed. *See* 9th Cir. R. 3-6(b) (if court determines it lacks jurisdiction, court may dismiss appeal without notice or further proceedings).

All pending motions are denied as moot.

DISMISSED.

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Antonio Goodwin,

Case No. 2:23-cv-01950-GMN-DJA

7 Plaintiff,

Order

8 v.

9 AT&T,

10 Defendant.

11 Before the Court is Defendant's motion for a hearing. (ECF No. 106). The Court
12 previously granted Defendant's motion for sanctions and set a hearing to determine the amount of
13 those sanctions in an omnibus order. (ECF No. 96). In that omnibus order, the Court also set the
14 matter of Plaintiff sitting for his deposition for a hearing. (ECF No. 96).

15 After Plaintiff appealed the omnibus order (ECF Nos. 100, 101), the Court vacated its
16 hearing to decide the amount of sanctions. (ECF No. 102). Defendant now asks the Court to
17 reschedule the hearing to determine the matter of Plaintiff sitting for his deposition. (ECF No.
18 106). Defendant also asks the Court to hear Plaintiff's motion for appointment of counsel. (ECF
19 No. 98). Plaintiff opposes Defendant's motion, asserting that the Ninth Circuit now has
20 jurisdiction given his appeal. (ECF No. 108).

21 Defendant has the better argument. While an appeal generally divests the district court of
22 its control over those aspects of the case involved in the appeal, the district court "retains
23 jurisdiction to address aspects of the case that are not the subject of the appeal." *Griggs v.*
24 *Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982); *United States v. Pitner*, 307 F.3d 1178,
25 1183 n.5 (9th Cir. 2002). Here, Plaintiff's appeal involved the Court's decision on Defendant's
26 motion for sanctions, not the Court's decision to hear the issue of Plaintiff's deposition. So, the
27 Court finds that it retains jurisdiction to hear that issue.

1 **IT IS THEREFORE ORDERED** that Defendant's motion for a hearing (ECF No. 106)
2 is **granted**. The Court will hear the issue of Plaintiff's deposition and his refusal to sit for that
3 deposition, along with Plaintiff's motion for appointment of counsel (ECF No. 98). That hearing
4 is set for **July 28, 2025, at 1:30 PM**. This hearing will be held **virtually**. The Court will send a
5 virtual invite to attend the hearing to the parties' email addresses before the hearing. The parties
6 must demonstrate the same decorum in the virtual hearing that they would in an in-person
7 hearing.

8 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
9 this order to Plaintiff.

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11 DATED: July 9, 2025

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14 _____
15 DANIEL J. ALBRECHTS
16 UNITED STATES MAGISTRATE JUDGE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Antonio Goodwin,

Plaintiff,

v.

AT&T,

Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

Before the Court is *pro se* Plaintiff Antonio's motions to compel (ECF Nos. 48, 50). Defendant opposes Plaintiff's first motion to compel. (ECF No. 49). Defendant's response to Plaintiff's second motion to compel is not yet due, but the Court does not require a response to decide the motion. Nor does it require a reply.¹

Plaintiff moves to compel Defendant to respond to certain of his discovery requests. (ECF Nos. 48, 50). He also apparently seeks to serve additional interrogatories on Defendant. (ECF No. 48). Regarding his requests to compel, Plaintiff has not complied with the Federal and Nevada Local Rules² relevant to his request. Plaintiff's motion to compel is governed by Federal Rule of Civil Procedure 37(a) and Nevada Local Rule 26-6. Before bringing a motion to compel,

¹ The Court does not need a further response from Defendant because Plaintiff's motions to compel seek similar relief. And so, a further response would not affect the outcome of the motion or either party's substantive rights. Additionally, because the Court denies Plaintiff's motions to compel on procedural grounds, a reply from Plaintiff would not change the Court's decision. *See Alliance of Nonprofits for Ins., Risk Retention Group v. Kipper*, 712 F.3d 1316, 1327-38 (9th Cir. 2013) (finding that the district court did not commit reversible error when it determined certain motions without awaiting or considering responses because the local rule at issue did not guarantee a period of time to file a response and because the court's failure to consider one response did not affect the outcome of the motion or the would-be respondent's substantive rights).

² This refers to the Local Rules of Practice for the United States District Court for the District of Nevada, which can be found online at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.

1 Federal Rule of Civil Procedure 37(a)(1) and Local Rule 26-6(c) require the party bringing the
2 motion to make a good faith effort to meet and confer with the other party to attempt and resolve
3 the dispute without court action. Local Rule 26-6(c) explains:

4 Discovery motions will not be considered unless the movant (1) has
5 made a good faith effort to meet and confer as defined in LR IA 1-
6 3(f)³ before filing the motion, and (2) includes a declaration setting
7 forth the details and results of the meet and confer conference about
8 each disputed discovery request.

8 Additionally, Local Rule 26-6(b) requires that all motions for protective order “must set
9 forth in full the text of the discovery originally sought and any response to it.”

10
11 ³ Local Rule IA 1-3(f) provides the following:

12 Meet and Confer. Whenever used in these rules, to “meet and
13 confer” means to communicate directly and discuss in good faith the
14 issues required under the particular rule or court order. This
15 requirement is reciprocal and applies to all participants. Unless
16 these rules or a court order provide otherwise, this requirement may
17 only be satisfied through direct dialogue and discussion in a face-to-
18 face meeting, telephone conference, or video conference. The
19 exchange of written, electronic, or voice-mail communications does
20 not satisfy this requirement.

- 21 (1) The requirement to meet and confer face-to-face or via
22 telephonic or video conference does not apply in the case of an
23 incarcerated individual appearing pro se, in which case the
24 meet-and-confer requirement may be satisfied through written
25 communication.
- 26 (2) A party who files a motion to which the meet-and-confer
27 requirement applies must submit a declaration stating all meet-
28 and-confer efforts, including the time, place, manner, and
 participants. The movant must certify that, despite a sincere
 effort to resolve or narrow the dispute during the meet-and-
 confer conference, the parties were unable to resolve or narrow
 the dispute without court intervention.
- (3) In addition to any sanction available under the Federal Rules of
 Civil Procedure, statutes, or case law, the court may impose
 appropriate sanctions under LR IA 11-8 for a party’s failure to
 comply with the meet-and-confer requirement.
- (4) Failure to make a good-faith effort to meet and confer before
 filing any motion to which the requirement applies may result
 in denial of the motion.

1 A meet and confer is thus a prerequisite to Plaintiff filing his motions to compel. Because
2 it does not appear that the parties met and conferred, the Court denies Plaintiff's motion.⁴
3 Additionally, without the text of the discovery originally sought and any response Defendant
4 made to it, the Court cannot decide Plaintiff's requests to compel. So, the Court denies Plaintiff's
5 motions for this reason too.

6 To the extent Plaintiff's motion is seeking to extend the number of interrogatories he can
7 serve under Federal Rule of Civil Procedure 33(a)(1), the Court denies this request as well. (ECF
8 No. 48). Federal Rule of Civil Procedure 33(a)(1) provides that, unless otherwise stipulated or
9 ordered by the court, a party may serve on any other party no more than 25 written
10 interrogatories, including all discrete subparts. That rule further provides that, "[l]eave to serve
11 additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2)."⁵
12 Fed. R. Civ. P. 33(a)(1). Plaintiff does not explain how many interrogatories he has served, why
13 he needs more, or why the additional interrogatories he requests are consistent with Federal Rules
14 of Civil Procedure 26(b)(1) and (2). So, the Court denies his motion regarding this request.⁶
15 (ECF No. 48).

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20 ⁴ In a separate motion, Plaintiff asserts to have spoken with Defendant's counsel in February and
21 March. (ECF No. 51 at 2-3). However, it is not clear to the Court whether those conversation
22 were meet and confers as defined in Local Rule IA 1-3(f). And in any event, Plaintiff did not file
23 a declaration regarding the meet and confer as required by Local Rule IA 1-3(f)(2). To the extent
24 Plaintiff intended his motion for sanctions (ECF No. 51) to be that declaration, it is insufficient
25 because Plaintiff did not "include" the declaration with his motions to compel as required by
26 Federal Rule of Civil Procedure 37(a)(1) and Local Rule 26-6(c). Instead, he filed it days later.

27 ⁵ Federal Rule of Civil Procedure 26(b)(1) provides the scope of discovery and Federal Rule of
28 Civil Procedure 26(b)(1) outlines certain limitations on discovery.

⁶ The Court declines to limit Plaintiff's interrogatory submission to twenty-five interrogatories as
Defendant requests in response. (ECF No. 49). This is because Defendant did not separately
move for this relief and so Plaintiff does not have an opportunity to adequately respond. *See*
Local Rule IC 2-2(b) (explaining that, for each type of relief requested or purpose of a document
filed, a separate document must be filed and a separate event must be selected for that document).

IT IS THEREFORE ORDERED that Plaintiff's motions to compel (ECF Nos. 48, 50) are **denied**. The Clerk of Court is kindly directed to send Plaintiff a copy of this order.

DATED: March 27, 2025

DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Antonio Goodwin,

Plaintiff,

v.

AT&T,

Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

Before the Court is pro se Plaintiff Antonio Goodwin's motion to supplement (ECF No. 63), motion to reconsider (ECF No. 67), motion to appear remotely (ECF No. 72), motions for leave "to file out of time" (ECF No. 73, 74, 78), motion to correct docket (ECF No. 79), and motions to compel (ECF No. 92, 94). Also before the Court is Defendant AT&T's motion for Federal Rule of Civil Procedure 11 sanctions (ECF No. 76) and motion for hearing (ECF No. 81). For the reasons outlined below, the Court denies each of Plaintiff's motions. Because Plaintiff violated Rule 11(b), but did not commit all the violations about which Defendant complains, the Court grants in part and denies in part Defendant's motion for Rule 11 sanctions. The Court further finds that a hearing is necessary to determine the amount of monetary sanctions to impose on Plaintiff. So, the Court grants Defendant's motion for a hearing and sets a virtual hearing for June 27, 2025, at 10:00 a.m. Pacific Standard Time.

I. Plaintiff's motions.

A. Motion to supplement.

Plaintiff moves to "correct" certain interrogatories that he sent to Defendant, explaining that really, the interrogatories should have been requests for production. (ECF No. 63). Defendant points out in response that Plaintiff does not assert to have met and conferred with Defendant before bringing the motion and Plaintiff did not include points and authorities in support of his motion. (ECF No. 68). Defendant has the better argument. *See* LR 26-6

(explaining that the Court will not consider discovery motions unless the movant has made a good faith effort to meet and confer); *see* LR 7-2(a) (explaining that motions must be supported by a memorandum of points and authorities). And there is nothing preventing Plaintiff from reformatting and serving his interrogatories as requests for production under Federal Rule of Civil Procedure 34 without the Court's help. So, the Court denies Plaintiff's motion to correct. (ECF No. 63).

B. Motion to reconsider.

Plaintiff moves the Court to reconsider Plaintiff's motions for sanctions. (ECF No. 67). Plaintiff appears to argue that the Court erroneously decided Plaintiff's motions for sanctions before Plaintiff filed a reply in support of those motions. The Court has the inherent procedural power to reconsider interlocutory orders it deems inadequate. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). But the Court neither erred nor issued an inadequate decision on Plaintiff's motions for sanctions without waiting for his reply. This is because the Court was able to determine from Plaintiff's motions and Defendant's response that Plaintiff had not shown that Defendant or its counsel had engaged in sanctionable conduct. The Court did not need Plaintiff's reply to reach this conclusion. *See Henson v. Corizon Health*, No. CV 19-04396-PHX-MTL (DMF), 2021 WL 50458, at *1-2 (D. Ariz. Jan. 6, 2021) (denying a plaintiff's motion for the court to reconsider a motion it denied without waiting for a reply because the court determined that it could decide the issue without a reply). And the documents Plaintiff attaches to his reply in support of his motions for sanctions do not change that conclusion. So, the Court finds that Plaintiff has not shown sufficient reasons for it to reconsider its order and denies Plaintiff's motion to reconsider. (ECF No. 67).

In response to Plaintiff's motion for reconsideration, Defendant argues that Plaintiff's motion largely repeats the arguments in his unsuccessful motions for sanctions. So, Defendant asks the Court to enter sanctions against Plaintiff under Local Rule 59-1(b). Under that rule, "[a] movant [for reconsideration] must not repeat arguments already presented unless (and only to the extent) necessary to explain controlling intervening law or to argue new facts. A movant who repeats arguments will be subject to appropriate sanctions." However, while a court may not

1 decline to impose sanctions just because a party is proceeding pro se, the Court must also liberally
2 construe pro se filings. *Compare Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“[a] document
3 filed pro se is to be liberally construed”) (internal citations and quotations omitted) *with Warren*
4 *v. Guelker*, 29 F.3d 1386, 1390 (9th Cir. 1994) (explaining in the context of Rule 11 sanctions
5 that a court cannot “decline to impose any sanction, where a violation has arguably occurred,
6 simply because plaintiff is proceeding pro se”). Here, liberally construing Plaintiff’s motion to
7 reconsider, although Plaintiff does repeat certain arguments, it appears that Plaintiff was
8 attempting to bring the Court’s attention to documents he believes would have changed the
9 Court’s decision. While unsuccessful, Plaintiff’s attempt is not sanctionable. So, the Court
10 declines to issue the sanctions Defendant seeks.

11 **C. Motion to appear remotely.**

12 Plaintiff moves to attend his April 28, 2025, deposition remotely, explaining that he is his
13 wife’s caregiver and she requires twenty-four-hour care. (ECF No. 72). In response, Defendant
14 explains that it canceled Plaintiff’s April 28, 2025, deposition. So, the Court denies Plaintiff’s
15 motion as moot.

16 **D. Motions to file “out of time.”**

17 Plaintiff filed three motions to file an “out of time response.” (ECF No. 73, 74, 78). In
18 two of those motions, which motions are slightly different but appear to seek the same relief,
19 Plaintiff asks the Court for an extension of time to file his reply in support of his motion to
20 supplement filed at ECF No. 63. (ECF Nos. 73, 74). Plaintiff also appears to intend his motions
21 to be his reply briefs given his arguments regarding his interrogatories contained in those
22 motions. However, Plaintiff filed both motions on April 21, 2025, the date that his reply was due.
23 So, to the extent that Plaintiff requests leave to file late replies, his request is moot and the Court
24 denies his motions. (ECF Nos. 73, 74). In his third motion, Plaintiff appears to ask for additional
25 time to file his reply in support of his motions for sanctions filed at ECF Nos. 51 and 54. (ECF
26 No. 78). However, the docket reflects that Plaintiff timely filed his reply at ECF No. 69. To the
27 extent Plaintiff argues that the Court prematurely considered Plaintiff’s motions for sanctions
28 without the benefit of Plaintiff’s reply, Plaintiff has already moved for reconsideration on that

1 basis and the Court has already denied that relief.¹ So, the Court denies his third motion as moot.
2 (ECF No. 78).

3 ***E. Motion to correct docket.***

4 Plaintiff moves to “correct [the] docket,” arguing that he filed document number 75 as a
5 separate motion but the Clerk’s Office erroneously filed it as an exhibit. (ECF No. 79).
6 However, Plaintiff has clearly labeled his document twice in large text as “Exhibit A.” (ECF No.
7 75). So, the Court does not find that the Clerk’s Office erroneously filed it. But even if the Court
8 were to construe Plaintiff’s exhibit as a motion, it would not grant it because it seeks the same
9 relief as Plaintiff’s previously filed motion to file “out of time response.” (ECF No. 78). Because
10 Plaintiff has not shown that his document is incorrectly filed as an exhibit, the Court denies his
11 motion to correct the docket. (ECF No. 79).²

12 ***F. Motions to compel.***

13 Plaintiff filed two separate motions to compel Defendant to file a reply in support of its
14 motion for a hearing (ECF No. 81) and to file a response to Plaintiff’s filing at ECF No. 75. (ECF
15 Nos. 92, 94). However, Defendant already filed a timely reply in support of its motion for a
16 hearing. (ECF No. 89). And because the Court found that the Clerk’s Office properly filed
17 Plaintiff’s document at ECF No. 75 as an exhibit and not a motion, Defendant was under no
18 obligation to respond to it. So, the Court denies Plaintiff’s motions to compel. (ECF No. 92, 94).

19 **II. Defendant’s motions.**

20 ***A. Motion for sanctions.***

21 **1. Defendant is entitled to sanctions.**

22 Defendant moves for sanctions against Plaintiff under Federal Rule of Civil Procedure 11,
23 arguing that, in his motions for sanctions (ECF Nos. 51, 54), Plaintiff baselessly accused
24

25 ¹ Defendant points out in its response that Plaintiff appears to be seeking reconsideration through
26 his motion (ECF No. 78) and asks the Court to award it sanctions under Local Rule 59-1(b) given
27 Plaintiff’s repeated arguments. The Court declines to award Defendant sanctions on this issue for
28 the same reasons it declined to do so for Plaintiff’s motion for reconsideration.

² Plaintiff has also already filed a notice of corrected image, purporting to correct document
number 75. (ECF No. 80). But that notice is largely blank.

1 Defendant of “fraud” and “perjury” and its counsel of threats, intimidation, and unethical
2 conduct. (ECF No. 76). Defendant explains that it served its motion on Plaintiff and asked
3 Plaintiff to withdraw his motions for sanctions, but Plaintiff refused to do so within twenty-one
4 days. Defendant requests that the Court require Plaintiff to reimburse Defendant for its costs and
5 attorneys’ fees incurred in bringing its instant motion for sanctions and for responding to
6 Plaintiff’s motions for sanctions. In response, Plaintiff reiterates his belief that Defendant has
7 engaged in sanctionable conduct by sending Plaintiff an offer of judgment, by maintaining that it
8 did not employ Plaintiff, and for counsel’s actions in facilitating Defendant’s defense. (ECF No.
9 85).

10 Under Federal Rule of Civil Procedure 11(b), by presenting a paper to the Court, an
11 unrepresented party certifies that “to the best of the person’s knowledge, information, and belief,
12 formed after an inquiry reasonable under the circumstances”:

- 13 (1) it is not being presented for any improper purpose, such as to harass,
14 cause unnecessary delay, or needlessly increase the cost of
litigation;
15 (2) the claims, defenses and other legal contentions are warranted by
existing law or by a nonfrivolous argument for extending,
16 modifying, or reversing existing law or for establishing new law;
17 (3) the factual contentions have evidentiary support or, if specifically so
identified, will likely have evidentiary support after a reasonable
18 opportunity for further investigation or discovery; and
19 (4) the denials of factual contentions are warranted on the evidence or,
if specifically so identified, are reasonably based on belief or a lack
20 of information.

21 Fed. R. Civ. P. 11(b).

22 Rule 11 also contains a “safe harbor” provision that requires the party moving for
23 sanctions to serve the motion on the other party, describe the conduct that allegedly violates Rule
24 11(b), and give the other party twenty-one days to correct the conduct before filing the Rule 11
25 motion. *See* Fed. R. Civ. P. 11(b)(2). Pro se litigants are subject to sanctions under Rule 11. *See*
26 *Warren*, 29 F.3d at 1390. But the Court must take a party’s pro se status into account when
27 determining whether the party’s actions were reasonable. *Id.*
28

1 Here, Defendant has demonstrated that Plaintiff violated Rule 11(b)(1) by asserting in his
2 motions for sanctions that Defendant wrongfully maintains that it did not employ Plaintiff. One
3 of Plaintiff's primary contentions in his motions for sanctions is that Defendant and its counsel
4 have committed "fraud" and "perjury" by maintaining that Defendant did not employ Plaintiff.
5 But even before Plaintiff filed his motions for sanctions, the Court entered two orders explaining
6 that whether Defendant employed Plaintiff was a contested issue of fact. (ECF Nos. 32, 41). So,
7 Plaintiff had no proper basis to seek sanctions against Defendant on this ground and the Court
8 grants Defendant's motion for Rule 11 sanctions against Plaintiff on this issue.

9 However, the Court does not find that Plaintiff violated Rule 11(b) by seeking sanctions
10 related to Defendant's offer of judgment and for counsel's alleged behavior in dealing with
11 Plaintiff. While Plaintiff should *now* be aware that neither Defendant's offer of judgment nor
12 Plaintiff's unsupported assertions regarding counsel's behavior warrant sanctions, it is not clear
13 that he was aware of this at the time he filed his motions for sanctions. Plaintiff's motions for
14 sanctions on these grounds appear to be based on his misunderstanding of Rule 68³—governing
15 offers of judgment—and of Rule 11.⁴ So, the Court does not grant Defendant's motion for Rule
16 11 sanctions on these issues.

21 ³ One of Plaintiff's motions for sanctions indicates how he misunderstood Rule 68. That rule
22 permits a party to serve an offer of judgment "[a]t least 14 days before the date set for trial." Fed.
23 R. Civ. P. 68(a). However, Plaintiff appears to have erroneously believed that rule to mean that
24 Defendant *must* have served the offer of judgment fourteen days before trial. (ECF No. 54 at 1)
25 ("THE OFFER OF JUDGEMENT [sic] IS NORMALLY SERVE 14 DAYS BEFORE
26 TRIAL...THIS IS A PERFECT EXAMPLE OF AT&T ATTORNEY'S [sic] UNDERHANDED
27 ILLEGAL BOARDROOM STRATEGY TACTICS WHICH IS WIN AT ALL CAUSE [sic] BY
28 ANY MEANS NECESSARY").

⁴ Plaintiff has continued to repeat these accusations after the Court denied his motions for
sanctions. But Defendant has not moved for Rule 11 sanctions related to Plaintiff's repeated
accusations. Defendant's request for sanctions is confined to the accusations Plaintiff made in his
motions for sanctions. (ECF Nos. 51 and 54).

2. The Court will defer ruling on the amount of sanctions and will set a hearing.

If the court finds that a party has violated Rule 11(b), the court may “impose an appropriate sanction.” Fed. R. Civ. P. 11(b)(1). Sanctions may include “an order directing payment to the movant of part or all of the reasonable attorney’s fees and other expenses directly resulting from the violation.” Fed. R. Civ. P. 11(b)(4). Courts may consider a pro se plaintiff’s ability to pay monetary sanctions as one factor in assessing sanctions. *Warren*, 29 F.3d at 1390.

Here, the Court finds that Plaintiff has violated Rule 11(b). But it lacks sufficient information to assess an “appropriate” sanction. The Court is authorized under Rule 11 to direct Plaintiff to pay all or part of Defendant’s attorneys’ fees and costs incurred in addressing Plaintiffs’ motions for sanctions and in bringing its instant motion for sanctions. But the Court lacks any information regarding Plaintiff’s ability to pay those fees. So, the Court will set the matter for a hearing. The Court will require Defendant to submit a calculation of its fees and costs incurred in responding to Plaintiff’s motions for sanctions and in bringing Defendant’s instant motion for sanctions.

B. Motion for hearing.

Defendant moves the Court to hold a virtual hearing to address its concerns with Plaintiff’s repeated filings, refusal to sit for an in-person deposition, and to address certain issues that the Court has already addressed in this order. (ECF No. 81). Plaintiff opposes, arguing that he is his wife’s caretaker and so, he cannot attend a hearing. (ECF No. 86). However, Plaintiff also contradictorily asserts that he can attend a remote deposition. If Plaintiff can attend a remote deposition, there is no reason that he cannot attend a remote hearing. So, the Court grants Defendant’s motion and will set this matter for a hearing to address the amount of sanctions that the Court will impose on Plaintiff. The Court will also hear the parties’ arguments regarding Plaintiff’s deposition.

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1 **IT IS THEREFORE ORDERED** that Plaintiff's motions (ECF Nos. 63, 67, 72, 73, 74,
2 78, 79, 92, and 94) are **denied**

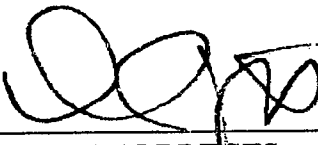
3 **IT IS FURTHER ORDERED** that Defendant's motion for Rule 11 sanctions (ECF No.
4 76) is **granted in part and denied in part**. It is granted in part because the Court finds that
5 Plaintiff violated Rule 11 by bringing his motions for sanctions against Defendant for maintaining
6 that it did not employ Plaintiff. It is also granted in part regarding Defendant's request that the
7 Court award monetary sanctions. It is denied in all other respects.

8 **IT IS FURTHER ORDERED** that, on or before **June 12, 2025**, Defendant must file an
9 accounting of its costs and attorneys' fees incurred in responding to Plaintiff's motions for
10 sanctions and for bringing its instant Rule 11 motion for sanctions.

11 **IT IS FURTHER ORDERED** that Defendant's motion for a hearing (ECF No. 81) is
12 **granted**. The Court sets a hearing, at which hearing it will determine the amount of sanctions to
13 impose on Plaintiff and hear the parties' arguments regarding Plaintiff's deposition. That hearing
14 is set for **June 27, 2025 at 10:00 a.m. Pacific Standard Time before the Honorable**
15 **Magistrate Judge Daniel J. Albregts**. The hearing will be via videoconference. The parties can
16 expect to receive an email invitation to attend the virtual hearing. This email invitation will be
17 sent to the email addresses that appear on the docket. The Court expects the parties to display the
18 same decorum at the videoconference hearing as they would at an in-person hearing and expects
19 the parties to appear on camera and not just by audio.

20 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
21 this order to Plaintiff.

22
23 DATED: June 5, 2025

24 
25 DANIEL J. ALBREGTS
26 UNITED STATES MAGISTRATE JUDGE
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANTONIO GOODWIN,

4 Plaintiff,

5 vs.

6 AT&T,

7 Defendant.
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)
) Case No.: 2:23-cv-01950-GMN-DJA
)
)

**ORDER DENYING MOTION FOR
JUDGMENT ON THE PLEADINGS**

10 Pending before the Court is the Motion for Judgment on the Pleadings, (ECF No. 13),
11 filed by Defendant AT&T Corp. *Pro se* Plaintiff Antonio Goodwin filed a Motion to
12 Supplement the Records for the Time Period in Dispute, (ECF No. 26), which the Court
13 liberally construes¹ as a response, and a second Response, (ECF No. 28), to which AT&T filed
14 a Reply, (ECF No. 30).

15 Also pending before the Court are Plaintiff's Motion Seeking Motion from Defendant,
16 (ECF No. 23), and Motion to Strike, (ECF No. 29), in addition to AT&T's First and Second
17 Motions to Strike, (ECF Nos. 18, 27).

18 For the reasons discussed below, the Court **DENIES** AT&T's Motion for Judgment on
19 the Pleadings and Second Motion to Strike.² The Court further **DENIES** Plaintiff's Motion
20

21 ¹ A document filed *pro se* is to be liberally construed. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

22 ² AT&T's Second Motion to Strike contends that Plaintiff's Motion Seeking Motion, (ECF No. 23), and Motion
23 to Supplement the Records, (ECF No. 26), should be stricken because they are amended complaints filed in
24 violation of Fed. R. Civ. P. 15. The Court disagrees. Liberally construing the Motion Seeking Motion, it
25 appears Plaintiff is requesting discovery from AT&T to demonstrate it was his employer. Thus, while the Court
DENIES Plaintiff's Motion to the extent it seeks discovery, (Magistrate Judge Order, ECF No. 24), it declines to
strike this Motion from the docket. Next, the Court construes Motion to Supplement the Records for the Time
Period in Dispute as a response to AT&T's Motion for Judgment on the Pleadings, not an attempt by Plaintiff to
file an amended complaint. Accordingly, AT&T's Second Motion to Strike is DENIED.

1 Seeking Motion from Defendant³ and Motion to Strike.⁴ Finally, the Court **GRANTS** AT&T's
 2 First Motion to Strike⁵ and Plaintiff's Motion to Supplement the Record for the Time Period in
 3 Dispute.⁶

4 **I. BACKGROUND**

5 This action arises from AT&T's alleged discrimination and retaliation against its
 6 employee, Plaintiff Antonio Goodwin. (*See generally* Am. Compl., ECF No. 10). AT&T filed
 7 an Answer denying it ever employed. (Answer 2:19–26, ECF No. 12). AT&T's denial is
 8 predicated on an assertion by Paula M. Phillips, a Director-Legal Administrator for AT&T
 9 Services, Inc., stating that she “conducted an exhaustive search of AT&T's employment
 10 records” and determined there were “no records of [Plaintiff] ever being employed by AT&T
 11

12
 13 ³ As stated, the Court **DENIES** Plaintiff's Motion to the extent it seeks. (Magistrate Judge Order, ECF No. 24).

14 ⁴ Plaintiff seeks to strike AT&T's Response, (ECF No. 27), and requests the Court impose sanctions on AT&T
 15 because it allegedly withheld discovery. (Pl.'s Mot. Strike at 3, ECF No. 29). Because the Court denies any
 discovery request made by Plaintiff, it **DENIES** his Motion and declines to issue sanctions.

16 ⁵ AT&T's First Motion to Strike contends that Plaintiff's Affidavit, (ECF No. 15), should also be stricken
 17 because it is an amended complaint filed in violation of Fed. R. Civ. P. 15. The Court agrees with AT&T that
 18 liberally construing Plaintiff's Affidavit, it constitutes an amended complaint filed in violation of Rule 15. “A
 19 party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the
 20 pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21
 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1).
 22 Otherwise, “a party may amend its pleading only with the opposing party's written consent or the court's leave.”
 Fed. R. Civ. P. 15(a)(2). Plaintiff has already filed an amended complaint as a matter of course, (Am. Compl.,
 ECF No. 10), and this case is otherwise past the point where Plaintiff can amend without AT&T's consent or the
 Court's leave. “When a party files an amended complaint without the right to do so, it is properly stricken by the
 Court.” *Wilkins v. Macober*, No. 2:16-cv-0475, 2022 WL 18027822, at *2 (E.D. Cal. Dec. 30, 2022). Because
 Plaintiff filed his Affidavit without proper authorization, the Court grants AT&T's First Motion to Strike, (ECF
 No. 18), and **STRIKES** the Affidavit from the docket.

23 ⁶ As explained above, the Court construes this filing as a response to AT&T's Motion for Judgment on the
 24 Pleadings. Nevertheless, the Court does not consider any argument or evidence in this filing in resolving
 25 AT&T's Motion for Judgment on the Pleadings to the extent it introduces argument and evidence beyond that
 contained in Plaintiff's pleadings. *See Hal Roach Studios, Inc. v. Richard Feiner & Co. Inc.*, 896 F.2d 1542,
 1550 (9th Cir. 1990) (holding that “judgment on the pleadings is improper when the district court goes beyond
 the pleadings to resolve an issue”).

1 from January 2020 onward . . . either at AT&T's headquarters or any other AT&T corporate
2 location." (Paula Phillips Decl. ¶ 6, Ex. A to Answer, ECF No. 12-1). AT&T then filed its
3 Motion for Judgment on the Pleadings, (ECF No. 13).

4 **II. LEGAL STANDARD**

5 "After the pleadings are closed—but early enough not to delay trial—a party may move
6 for judgment on the pleadings." Fed. R. Civ. P. 12(c). "[J]udgment on the pleadings is proper
7 'when, taking all the allegations in the non-moving party's pleadings as true, the moving party
8 is entitled to judgment as a matter of law.'" *Ventress v. Japan Airlines*, 486 F.3d 1111, 1114
9 (9th Cir. 2007) (citation omitted).

10 Motions for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) are
11 "functionally identical" to motions to dismiss for failure to state a claim under Federal Rule of
12 Civil Procedure 12(b)(6). *Dworkin v. Hustler Magazine Inc.*, 867 F.2d 1188, 1192 (9th Cir.
13 1989). Moreover, when reviewing a motion for judgment on the pleadings pursuant to Rule
14 12(c), a court "must accept all factual allegations in the complaint as true and construe them in
15 the light most favorable to the non-moving party." *Fleming v. Pickard*, 581 F.3d 922, 925 (9th
16 Cir. 2009). The allegations of the nonmoving party must be accepted as true while any
17 allegations made by the moving party that have been denied or contradicted are assumed to be
18 false. *MacDonald v. Grace Church Seattle*, 457 F.3d 1079, 1081 (9th Cir. 2006).

19 **III. DISCUSSION**

20 AT&T moves for judgment on Plaintiff's Title VII claims, arguing they fail as a matter of
21 law because "[AT&T] was never Plaintiff's employer" and "Title VII has no applicability
22 outside of the employer/employee relationship."⁷ (Mot. J. Pleadings 4:14–17). AT&T's
23

24 ⁷ AT&T also contends the Court should grant its Motion for Judgment on the Pleadings under Local Rule 7-2(d)
25 because Plaintiff failed to file a timely response to its Motion. (Reply 3:24–4:9, ECF No. 30). However,
considering the fact that Plaintiff did file a response, albeit untimely, and because the Court disagrees with
AT&T's underlying argument, it refrains from granting AT&T's Motion on this basis.

1 argument is well taken, as Title VII only protects employees, not non-employees. *Adcock v.*
2 *Chrysler Corp.*, 166 F.3d 1290, 1292 (9th Cir. 1999). Thus, Plaintiff is “entitled to the
3 protections of Title VII only if []he is an employee” of AT&T. *Murray v. Principal Fin.*
4 *Group, Inc.*, 613 F.3d 943, 944 (9th Cir. 2010). However, whether Plaintiff was employed by
5 AT&T is a factual dispute not suitable for resolution at this stage.

6 The existence of affirmative defenses usually precludes judgment on the pleadings. *See*
7 *Gen. Conference Corp. of Seventh-Day Adventists v. Seventh-Day Adventist Cong. Church*, 887
8 F.2d 228, 230 (9th Cir. 1989). However, where affirmative defenses raise only questions of
9 law, such affirmative defenses do not preclude judgment on the pleadings. *See Unite Here*
10 *Local 19 v. Picayune Rancheria of Chukchansi Indians*, 101 F. Supp. 3d 929, 934 (E.D. Cal.
11 2015) (citing 5C Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure §
12 1367 (3d ed. 2004)). “The motion for a judgment on the pleadings only has utility when all
13 material allegations of fact are admitted or not controverted in the pleadings and only questions
14 of law remain to be decided by the district court.” *Id.* If a defendant’s affirmative defenses
15 create material issues of fact, judgment on the pleadings is precluded. *See Westport Ins. Corp.*
16 *v. N. California Relief*, 76 F. Supp. 3d 869, 882–83 (N.D. Cal. 2014) (finding that the
17 defendant’s affirmative defenses failed to create a material issue of fact and therefore did not
18 preclude judgment on the pleadings).

19 The Court cannot find there are no material facts in dispute. AT&T’s affirmative
20 defense—denying that it ever employed Plaintiff or exercised control over the terms and
21 conditions of his employment—is not a legal assertion. *See Bautista v. PR Gramercy Square*
22 *Condo.*, 642 F. Supp. 3d 411, 421 (S.D.N.Y. 2022) (“Determining whether an employment
23 relationship exists is a ‘fact-specific’ endeavor.”). Rather, it raises a contested factual issue, as
24 Plaintiff’s Amended Complaint alleges he was employed by AT&T. (*See generally* Am.
25 Compl.). In this posture, it is not proper for the Court to “resolve potential conflicts between

1 the allegations in Plaintiff's [Amended] Complaint and an attachment to [AT&T]'s Answer
2 provided in conjunction with an [a]ffirmative [d]efense, and [AT&T] cites no case in which a
3 Court properly undertook such a task at this early stage of the litigation (without converting the
4 motion to one for summary judgment, which no party requests the Court to do here)." *Affiliated*
5 *FM Ins. Co. v. Hill Phoenix Inc.*, No. 22-cv-00450, 2023 WL 244494, at *2 (D. Ariz. Jan. 18,
6 2023). Accordingly, AT&T's Motion is DENIED.

7 Considering Plaintiff's claims and filings, the Court finds that exceptional circumstances
8 exist justifying the appointment of counsel. To determine whether exceptional circumstances
9 exist warranting the appointment of counsel, a court must consider: (1) the likelihood of
10 success on the merits; and (2) the ability of the plaintiff to articulate their claims *pro se* in light
11 of the complexity of the legal issues involved. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th
12 Cir. 2009).

13 The Court has denied AT&T's Motion for Judgment on the Pleadings. At this point,
14 Plaintiff has a likelihood of success on his claims. This case will now proceed to discovery and
15 then dispositive motions. To date, Plaintiff's filings have been disjointed and unclear. The
16 Court anticipates that Plaintiff will encounter challenges conducting discovery and articulating
17 his arguments at the summary judgment stage. Whether Plaintiff was employed by AT&T, and
18 if he was discriminated against in the course of his employment, are two issues of sufficient
19 complexity that the Court finds appointment of counsel is warranted.

20 **IV. CONCLUSION**

21 **IT IS HEREBY ORDERED** that AT&T's Motion for Judgment on the Pleadings,
22 (ECF No. 13), is **DENIED**.

23 **IT IS FURTHER ORDERED** that AT&T's First Motion to Strike, (ECF No. 18), is
24 **GRANTED**. Plaintiff's Affidavit, (ECF No. 15), is **HEREBY STRICKEN** from the docket.

1 **IT IS FURTHER ORDERED** that AT&T's Second Motion to Strike, (ECF No. 27), is
2 **DENIED.**

3 **IT IS FURTHER ORDERED** that Plaintiff's Motion Seeking Motion, (ECF No. 23),
4 is **DENIED.**

5 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Supplement the Records for
6 the Time Period in Dispute, (ECF No. 26), is **GRANTED.**

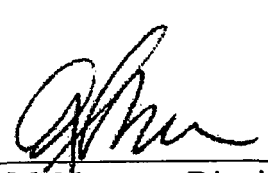
7 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike, (ECF No. 29), is
8 **DENIED.**

9 **IT IS THEREFORE ORDERED** that this case be referred to the Pro Bono Program for
10 appointment of counsel for the purposes identified herein, unless Plaintiff notifies the Court
11 that he does not desire appointment of counsel.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have until June 8, 2024, to notify the
13 Court if he does not desire appointment of counsel.

14 **IT IS FURTHER ORDERED** that the Clerk of Court shall forward this Order to the
15 Pro Bono Liaison.

16 **DATED** this 9 day of May, 2024.

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19 _____
20 Gloria M. Navarro, District Judge
21 United States District Court
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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Antonio Goodwin,

7 Plaintiff,

8 v.

9 AT&T,

10 Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

11 Before the Court is *pro se* Plaintiff Antonio's motions for sanctions (ECF Nos. 51, 54).
12 Plaintiff moves the Court to sanction Defendant's attorneys for sending Plaintiff an offer of
13 judgment, but not filing that offer of judgment on the docket and for counsel's demeanor during
14 certain phone calls. Plaintiff also seeks to sanction Defendant for claiming to not be Plaintiff's
15 employer despite the fact that Plaintiff has obtained evidence that he says shows that Defendant
16 was his employer. The Court denies Plaintiff's motions.

17 Federal Rule of Civil Procedure 68 governs offers of judgment. That rule only requires a
18 party to file an offer of judgment if "within 14 days after being served, the opposing party serves
19 written notice accepting the offer..." Fed. R. Civ. P. 68(a). Plaintiff has rejected the offer of
20 judgment. (ECF No. 53). So, Defendant's counsel did not violate the Federal Rules by not filing
21 the offer of judgment.

22 The Court also does not find Defendant's counsel's behavior to warrant sanctions.
23 Plaintiff argues that Defendant's counsel yelled at him on the phone and threatened him.
24 Defendant's counsel asserts that he did not. The Court does not find that Plaintiff has provided
25 sufficient evidence to establish that Defendant's counsel has acted in bad faith or violated the
26 Nevada Rules of Professional Conduct such that sanctions are warranted. *See Primus Automotive*
27 *Fin. Servs., Inc. v. Batarsee*, 115 F.3d 644, 648-649 (9th Cir. 1997) (explaining that a court can
28 impose sanctions under its inherent authority if an attorney acted in a way "tantamount to bad

1 faith); *see U.S. v. Associated Convalescent Enterprises, Inc.*, 766 F.2d 1342, 1346 (9th Cir. 1985)
2 (explaining that a court can impose sanctions under 28 U.S.C. § 1927 if an attorney has acted
3 “recklessly or in back faith”); *see* Local Rule IA 11-8(d) (providing that a court may impose a
4 sanction on an attorney who fails to comply with the Nevada Rules of Professional Conduct).

5 Finally, Plaintiff asserts that he has discovered certain evidence that shows that Defendant
6 was his employer and so, the Court should sanction Defendant on this ground. In answering
7 Plaintiff’s complaint, Defendant asserted that Plaintiff served his complaint on AT&T Corp.,
8 which is not Plaintiff’s employer. (ECF No. 12). The Court has previously acknowledged that,
9 whether Defendant employed Plaintiff is a contested factual issue. (ECF No. 32 at 4). So,
10 Plaintiff’s request for sanctions on this basis appears to arise under Federal Rule of Civil
11 Procedure 11.

12 Federal Rule of Civil Procedure 11 provides that,

13 By presenting to the court a pleading, written motion, or other
14 paper—whether by signing, filing, submitting, or later advocating
15 it—an attorney or unrepresented party certifies that to the best of the
16 person’s knowledge, information, and belief, formed after an
17 inquiry reasonable under the circumstances:

- 18 (1) it is not being presented for any improper purpose, such as to
19 harass, cause unnecessary delay, or needlessly increase the
20 cost of litigation;
- 21 (2) the claims, defenses, and other legal contentions are
22 warranted by existing law or by a nonfrivolous argument for
23 extending, modifying, or reversing existing law or for
24 establishing new law;
- 25 (3) the factual contentions have evidentiary support or, if
26 specifically so identified, will likely have evidentiary support
27 after a reasonable opportunity for further investigation or
28 discovery; and
- (4) the denials of factual contentions are warranted on the
evidence or, if specifically so identified, are reasonably based
on belief or a lack of information.

Fed. R. Civ. P. 11(b).

If an attorney, law firm, or party violates Federal Rule of Civil Procedure 11(b), the court
“may impose an appropriate sanction” on the responsible party. Fed. R. Civ. P. 11(c)(1). But
Federal Rule of Civil Procedure 11 also has what is known as a “safe harbor provision.” Fed. R.

1 Civ. P. 11(c)(2). That provision requires a party seeking sanctions under Federal Rule of Civil
2 Procedure 11 to file a motion “made separately from any other motion,” describing “the specific
3 conduct that allegedly violates Rule 11(b).” *Id.* That provision also requires the moving party to
4 serve the motion under Federal Rule of Civil Procedure 5, but not to file the motion or present it
5 to the court “if the challenged paper, claim, defense, contention, or denial is withdrawn or
6 appropriately corrected within 21 days after service or within another time the court sets.” *Id.*

7 Plaintiff has not properly brought his motion for sanctions because there is no indication
8 in his motion that he has abided by the safe harbor provision in Federal Rule of Civil Procedure
9 11(c)(2). Additionally, while Plaintiff claims to attach certain evidence proving his contentions,
10 that evidence is not attached to his motions. So, the Court denies his motions for sanctions.
11 (ECF Nos. 51, 54).

12
13 **IT IS THEREFORE ORDERED** that Plaintiff’s motions for sanctions (ECF Nos. 51,
14 54) are **denied**.

15 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
16 a copy of this order.

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18 DATED: April 11, 2025

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20 DANIEL J. ALBREGTS
21 UNITED STATES MAGISTRATE JUDGE
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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Antonio Goodwin,

7 Plaintiff,

8 v.

9 AT&T,

10 Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

11 Before the Court is Defendant AT&T's motion to extend discovery and compel Plaintiff
12 to be sworn and deposed or alternatively to dismiss Plaintiff's lawsuit (ECF No. 123), motion for
13 sanctions (ECF No. 140), and motion for telephonic or virtual status conference (ECF No. 141).
14 Also before the Court is pro se Plaintiff Antonio Goodwin's motion to be exempt from PACER
15 fees (ECF No. 137), motion to strike (ECF No. 142), motion to compel (ECF No. 143), and two
16 motions to supplement the record (ECF Nos. 152, 154). For the reasons outlined below, the
17 Court grants in part and denies in part Defendant's motions and denies Plaintiff's motions.¹

18 **I. Motion to extend discovery and compel Plaintiff to be sworn and deposed or**
19 **alternatively to dismiss Plaintiff's lawsuit (ECF No. 123).**

20 Defendant moves to extend the discovery cutoff, to compel Plaintiff to sit for his noticed
21 deposition on September 25, 2025, and, if Plaintiff does not sit for his deposition, for case
22 terminating sanctions. (ECF No. 123).² Plaintiff opposes Defendant's motion in two documents.

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¹ Plaintiff's motions, responses, and replies are often rambling, repetitive, and difficult to follow.
26 The Court does its best to interpret Plaintiff's motions and does not address each line of argument
27 that Plaintiff raises in his documents. Instead, it only addresses those arguments that are relevant
to the motions and requests for relief at issue.

28 ² Defendant's motion should have been filed as two separate motions under Local Rule IC 2-2(b).

1 (ECF Nos. 125, 126). Defendant filed a reply. (ECF No. 133). The Court grants in part and
2 denies in part Defendant's motion.

3 The Court grants Defendant's motion in part regarding its request for an extension of
4 discovery deadlines. Defendant has shown good cause and excusable neglect to extend the
5 discovery deadlines. *See* Fed. R. Civ. P. 16(b)(4); *see* LR 26-3. Defendant explains that it
6 initially sought, and Plaintiff agreed to, an extension before the deadlines passed so that Plaintiff
7 could sit for his deposition. But Plaintiff then refused to sign the stipulation, forcing Defendant to
8 move to extend the discovery deadline after it passed. The Court grants Defendant's request for
9 an extension and *sua sponte* extends the requested deadlines further because some of the
10 deadlines Defendant proposes have already expired.

11 The Court denies Defendant's motion in part regarding Defendant's request to compel
12 Plaintiff to sit for his deposition on September 25, 2025, as moot. That date has already passed.
13 And as Defendant indicates in its motion for sanctions—addressed below—Plaintiff has failed to
14 attend the deposition.

15 The Court denies Defendant's motion in part regarding its request for dispositive
16 sanctions raised in the alternative. By asking the Court if it would impose sanctions based on the
17 contingent event of Plaintiff not attending his deposition, Defendant has improperly sought an
18 advisory opinion. *See Montana Environmental Info. Center v. Stone-Manning*, 766 F.3d 1184,
19 1188 (9th Cir. 2014) (explaining that a dispute is ripe in the constitutional sense if it “presents
20 concrete legal issues, presented in actual cases, not abstractions”) (cleaned up). And now that
21 Plaintiff has failed to attend his deposition, Defendant has raised its sanction request in a
22 subsequent motion. So the instant request is moot.

23 **II. Defendant's motion for sanctions (ECF No. 140) and Plaintiff's motion to strike**
24 **(ECF No. 142).**

25 Defendant moves the Court to award it's attorney's fees and costs associated with the
26 September 25, 2025, deposition that Plaintiff failed to attend and for case terminating sanctions
27 for Plaintiff's failures to cooperate in discovery. (ECF No. 140). Plaintiff did not respond to the
28 motion, but filed a motion to strike it. (ECF No. 142). Defendant opposes the motion to strike,

1 arguing that Plaintiff has provided no legal basis to strike Defendant's motion. (ECF No. 148).
2 Plaintiff filed a reply. (ECF No. 150).

3 The Court addresses Plaintiff's motion to strike first. (ECF No. 142). Plaintiff provides
4 no basis on which to strike Defendant's motion under either Federal Rule of Civil Procedure 12(f)
5 or the Local Rules. So, the Court denies it.

6 The Court addresses Defendant's motion for sanctions next. (ECF No. 140). Under
7 Federal Rule of Civil Procedure 37(d)(1)(A)(i), the Court may order sanctions if a party fails to
8 attend their deposition after being served with proper notice. Federal Rule of Civil Procedure
9 37(b)(2)(A) provides that the Court may issue sanctions against a party who fails to obey an order
10 to provide or permit discovery. Under Federal Rule of Civil Procedure 37(d)(2), a failure to
11 attend a deposition is not excused on the ground that the discovery sought was objectionable
12 unless the party failing to act has a pending motion for protective order under Federal Rule of
13 Civil Procedure 26(c). Possible sanctions may include dismissing the action and/or requiring the
14 party to pay the reasonable expenses, including attorney's fees, caused by the failure to attend the
15 deposition, unless the failure was substantially justified or other circumstances make an award of
16 expenses unjust. *See* Fed. R. Civ. P. 37(b)(2)(A)(v); *see* Fed. R. Civ. P. 37(d)(3).

17 A district court has the discretion to impose the extreme sanction of dismissal if there has
18 been "flagrant, bad faith disregard of discovery duties." *Wanderer v. Johnston*, 910 F.2d 652,
19 655-56 (9th Cir. 1990) (citing *National Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S.
20 639, 643 (1976)). Because the sanction of dismissal is such a harsh penalty, the district court
21 must weigh five factors before imposing dismissal: "(1) the public's interest in expeditious
22 resolution of litigation; (2) the court's need to manage its dockets; (3) the risk of prejudice to [the
23 party seeking sanctions]; (4) the public policy favoring disposition of cases on their merits; and
24 (5) the availability of less drastic sanctions." *Id.* at 656 (quoting *Malone v. United States Postal*
25 *Serv.*, 833 F.2d 128, 130 (9th Cir. 1987), *cert. denied*, 488 U.S. 819 (1988)).

26 Here, the Court grants in part and denies in part Defendant's motion for sanctions,
27 granting Defendant's request for attorney's fees and costs, but denying Defendant's request for
28 case terminating sanctions. The Court has already heard Plaintiff's motion for protective order

1 over his deposition and denied it. (ECF No. 114). In doing so, the Court considered Plaintiff's
 2 arguments regarding his role as a caretaker for his wife and Defendant's proposed
 3 accommodations. (ECF No. 114). Those accommodations included Defendant's counsel and
 4 representative traveling to Virginia to conduct the deposition within three miles of Plaintiff's
 5 house. Plaintiff has not successfully appealed that order.³ (ECF Nos. 115, 124).

6 Despite this Court's order requiring him to sit for his deposition, Plaintiff has not
 7 cooperated with Defendant's counsel in scheduling it, forcing Defendant's counsel to unilaterally
 8 notice the deposition to take place on September 25, 2025.⁴ Plaintiff did not object to that
 9 deposition notice or claim that he could not make it. Nonetheless, he failed to show.

10 Plaintiff now argues in his motion to strike that he did not attend his deposition because
 11 on September 11, 2025, the United States Supreme Court agreed to hear his appeal of the Court's
 12 order requiring him to sit for his deposition. This is untrue.⁵ Plaintiff also claims that on

13
 14 ³ It appears that Plaintiff attempted to appeal the Court's order, but appealed the wrong order.
 15 The Ninth Circuit construed Plaintiff's appeal as concerning the Court's July 17, 2025, minute
 16 order. (ECF No. 124). In that minute order, the Court explained that it would construe Plaintiff's
 17 motion filed at ECF No. 110 to be a motion for protective order preventing him from sitting for
 18 his deposition and decided to hear it at the July 28, 2025, hearing. But the docket does not show
 19 that Plaintiff otherwise appealed the Court's decision at the July 28, 2025, hearing. (ECF No.
 114). Since the Ninth Circuit dismissed Plaintiff's appeal, Plaintiff has apparently attempted to
 seek clarification regarding how to appeal the Court's denial of his motion for protective order.
 (ECF No. 127) (Plaintiff's "Petition for a Rehearing for Document 124"); (ECF No. 130)
 (Plaintiff's exhibit to his notice of appeal).

20 ⁴ Even if the Court considers the fact that Plaintiff may have believed he successfully appealed
 21 this Court's order requiring him to sit for his deposition, the Ninth Circuit dismissed that appeal
 22 on September 2, 2025, well in advance of the noticed deposition. (ECF No. 124). So, Plaintiff's
 pending appeal—even if it correctly appealed the July 28, 2025, order—would not have excused
 his failure to attend his deposition.

23 ⁵ The Court may take judicial notice of matters of public record, including information in another
 24 court's proceedings. *See Reyn's Pasta Bella LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th
 25 Cir. 2006). A docket search on the United States Supreme Court's website for "Antonio
 26 Goodwin" does not return any cases that match this one. It appears from Plaintiff's filings that
 27 Plaintiff may have submitted documents to, or received documents from, the United States
 Supreme Court on this date. But that is not the same as the Supreme Court granting certiorari to
 hear his appeal, as Plaintiff appears to claim by stating that "THE SUPREME COURT OF THE
 UNITED STATES IN WASHINGTON DC CAREFULLY AND THOROUGHLY REVIEWED
 DOCUMENT 124...AND...GRANTED DOCUMENT 124 TO BE HEARD ON SEPTEMBER
 28 11, 2025 AT 1:23 PM." (ECF No. 142 at 1).

1 September 5, 2025, he was approved as a full time caregiver for his wife using a service that
2 places a GPS on his phone to ensure that he is at his home, performing his role as a caretaker
3 during certain hours. But Plaintiff does not claim to have informed Defendant of this fact or
4 attempted to schedule his deposition around his caregiving hours (which Plaintiff states are
5 alternatively between 8 a.m. and 2 p.m. or 9 a.m. and 3 p.m.). Because Plaintiff's arguments do
6 not explain why he failed to cooperate with Defendant to schedule his deposition and then failed
7 to attend it, Plaintiff's arguments are unpersuasive.

8 The Court finds that sanctions are warranted under Federal Rules of Civil Procedure
9 37(b)(2)(A) and 37(d)(1)(A)(i). However, given Plaintiff's pro se status, his demonstrated
10 difficulty litigating this case, his assertions that he fills the important role of caretaker to his wife,
11 and the Court's outstanding referral to the Pro Bono Program, the Court declines to recommend
12 the extreme sanction of dismissal at this stage. Weighing the five factors outlined in *Wanderer*
13 leads the Court to the conclusion that dismissal sanctions are not warranted. While the first three
14 factors weigh in favor of dismissal, they are outweighed by the public policy favoring disposition
15 of cases on their merits and the availability—at least at this stage—of less drastic sanctions. So,
16 the Court denies Defendant's motion for sanctions in part regarding its request for case
17 terminating sanctions.

18 The Court grants Defendants motion for sanctions in part regarding its request for its
19 attorney's fees and costs related to the September 25, 2025, deposition. The Court will hold a
20 hearing to determine the amount of those fees and costs and so that Plaintiff will have an
21 opportunity to argue whether other circumstances make an award of expenses unjust under
22 Federal Rule of Civil Procedure 37(d)(1)(3). The Court will require Defendant to file an
23 accounting of its costs and attorney's fees related to Plaintiff's September 25, 2025, deposition in
24 advance of that hearing.⁶ At that hearing, the Court will also require the parties to agree on a date
25

26
27 ⁶ Defendant has attached an expense report and certain receipts to its motion to support its costs to
28 attend the deposition. (ECF No. 140-5). However, Defendant does not include an account of its
requested attorney's fees.

1 and time for Plaintiff's deposition. If Plaintiff again fails to attend that deposition, the Court may
2 recommend case terminating sanctions

3 **III. Plaintiff's motion to be exempt from PACER fees (ECF No. 137).**

4 Plaintiff moves the Court to exempt him from paying \$700.00 in fees that he incurred by
5 reviewing documents in PACER because he is "going thr[ough] financial hardship." (ECF No.
6 137). "With the PACER system users can view and print case filings, judicial opinions, and other
7 docket information from the federal trial, bankruptcy, and appellate courts." *In re Gollan*, 728
8 F.3d 1033, 1035 (9th Cir. 2013). PACER is supported by user fees and, "[i]n order to ensure the
9 fees do not impair public access to the courts, Congress directed the Judicial Conference to
10 'provide for exempting persons or classes or persons' for whom fees would be an unreasonable
11 burden." *Id.* The current Electronic Public Access Fee Schedule provides for automatic fee
12 exemptions and discretionary fee exemptions. *See Electronic Public Access Fee Schedule*,
13 United States Courts, (December 31, 2019), [https://www.uscourts.gov/services-](https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule)
14 [forms/fees/electronic-public-access-fee-schedule](https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule). Litigants—like Plaintiff—are included in the
15 automatic fee exemption because they receive "one free electronic copy, via the notice of
16 electronic filing or notice of docket activity, of all documents filed electronically, if receipt is
17 required by law or directed by the file." *See id.*

18 The *in forma pauperis* statute does not provide that a court may exempt a litigant from
19 fees associated with PACER. *See* 28 U.S.C. § 1915(a). Additionally, proceeding *in forma*
20 *pauperis* (meaning, proceeding without paying the filing fee) is not in itself sufficient to establish
21 that payment of PACER fees constitutes an unreasonable burden. *Leuhring v. Los Angeles*
22 *County*, No. 2:21-cv-01426-GW-SHK, 2021 WL 4533275, at *1 (C. D. Cal. Aug. 4, 2021).
23 Rather, the fee schedule "requires those seeking an exemption to demonstrate that an exemption
24 is limited in scope and is necessary in order to avoid an unreasonable burden." *Electronic Public*
25 *Access Fee Schedule*, United States Courts, (December 31, 2019),
26 <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>. The
27 Judicial Conference "cautions that exemptions should be granted as the exception, not the rule,
28 and prohibits courts from exempting all users from [Electronic Public Access] fees." *Id.*

1 Here, other than stating that he is experiencing financial hardship, Plaintiff does not
2 indicate why it would be burdensome to pay the service fees associated with using PACER.
3 Notably, Plaintiff is not proceeding *in forma pauperis*. He has paid the filing fee. (ECF No. 1).
4 So, the Court has no insight into his ability to pay the PACER fees or not. Additionally, under
5 the fee exemptions and as a *pro se* litigant, Plaintiff is entitled to one free electronic copy of all
6 documents filed electronically in his case.⁷ And, based on Plaintiff's claim to have incurred
7 \$700.00 in fees in just three months, it is unclear to the Court how Plaintiff incurred the charges
8 from which he seeks to be exempted and whether those charges are solely related to this matter.
9 Thus, Plaintiff has not made the requisite showing to entitle him to an exemption. The Court
10 therefore denies Plaintiff's motion without prejudice.

11 **IV. Defendant's motion for telephonic or virtual status conference (ECF No. 141).**

12 Defendant moves for a status conference for the Court to hear the issue of the amount of
13 monetary sanctions the Court awarded in its June 5, 2025, order and for the Court to hear the
14 issue of Defendant's motion to extend discovery deadlines. (ECF No. 141). Plaintiff opposes the
15 motion. (ECF No. 144). Defendant filed a reply. (ECF No. 145).

16 The Court grants in part and denies in part Defendant's motion for a status conference.
17 (ECF No. 141). Plaintiff's opposition to the motion is neither persuasive nor relevant to the
18 motion. Instead, he reiterates his erroneous claim that the United States Supreme Court has
19 agreed to hear his appeal and repeats that he is his wife's caretaker. On the other hand, Defendant
20 has shown that a hearing is warranted. In the Court's June 5, 2025, order, the Court found that
21 Defendant was entitled to monetary sanctions, required Defendant to file an accounting of its
22 related costs and attorney's fees, and set a hearing to determine the amount of those sanctions.
23 (ECF No. 96). The Court later vacated that hearing when Plaintiff appealed the order. (ECF No.

24
25 ⁷ In subsequent filings, Plaintiff claims to have been locked out of his PACER account. (ECF No.
26 151) (Plaintiff stating that "IN ADDITION, MY PACER ACCOUNT HAS BEEN LOCKED
27 FOR CLOSE 2 MONTHS NOW SO I AM NOT ABLE TO THOROUGHLY REVIEW THE
28 MOTION AND DOCUMENTS."). It is unclear if this is related to Plaintiff's \$700.00 in PACER
fees or not. Nonetheless, without more information, this appears to be a technical issue that the
Court is not equipped to address.

1 102). The Ninth Circuit has now dismissed that appeal. (ECF No. 112). So, the Court will hear
2 the issue of the amount of sanctions it ordered on June 5, 2025, at the same hearing at which it
3 will determine the amount of attorney's fees and costs to award as a sanction for Plaintiff's failure
4 to attend his deposition. The Court denies Defendant's motion in part as moot regarding
5 Defendant's request that the Court hear its motion to extend discovery because the Court has
6 ruled on that motion in this written order.

7 **V. Plaintiff's motion to compel (ECF No. 143).**

8 Plaintiff moves the Court to compel Defendant to "schedule the joint pretrial order."
9 (ECF No. 143). Defendant opposes Plaintiff's motion, pointing out that it has sought to extend
10 discovery deadlines, including the pretrial order deadline, and that Plaintiff has provided no
11 points and authorities in support of his request to compel Defendant to meet and confer regarding
12 the pretrial order. (ECF No. 149). In reply, Plaintiff argues that the Court has not ruled on
13 Defendant's motion to extend the discovery deadlines, so the joint pretrial order is still due. (ECF
14 No. 151). The Court denies Plaintiff's motion to schedule the joint pretrial order for two reasons.
15 First, Plaintiff provides no legal basis to compel Defendant to meet and confer regarding the joint
16 pretrial order. Second, Plaintiff's request is moot because the Court has granted Defendant's
17 motion to extend the discovery deadlines—including the joint pretrial order—and because
18 Defendant asserts that it is not opposed to meeting and conferring regarding the joint pretrial
19 order prior to the new deadline.

20 **VI. Plaintiff's motions to supplement the record (ECF Nos. 152, 154).**

21 Plaintiff moves to "supplement the record" apparently in an attempt to inform the Court
22 about a separate case that the EEOC brought against AT&T. (ECF No. 152). Defendant opposes
23 the motion. (ECF No. 153). Plaintiff's reply is rambling, repetitive, and consists of Plaintiff's
24 assertions that Defendant was in fact his employer, an issue of disputed fact in this case. (ECF
25 No. 155). Plaintiff moves a second time to supplement the record. (ECF No. 154). In his second
26 motion, Plaintiff appears to inform the Court that he sent certain documents to the United States
27 Supreme Court on November 8, 2025.

1 The Court denies both motions to supplement. Under Local Rule 7-2(g), a party may not
 2 file supplemental pleadings, briefs, authorities, or evidence without leave of Court granted for
 3 good cause. Plaintiff has not shown good cause for the supplements he seeks to make.

4
 5 **IT IS THEREFORE ORDERED** that Defendant's motion to extend the discovery
 6 cutoff, to compel Plaintiff to sit for his noticed deposition on September 25, 2025, and
 7 alternatively for case terminating sanctions (ECF No. 123) is **granted in part and denied in**
 8 **part**. It is granted in part regarding Defendant's request for an extension of the discovery
 9 deadlines. The Court will *sua sponte* extend the deadlines further than Defendant requests given
 10 the fact that Defendant's proposed deadlines have passed, as outlined below. The Court will
 11 extend the discovery deadline to sixty days from the date of this order and extend the subsequent
 12 deadlines accordingly. The Court denies Defendant's motion in part regarding Defendant's
 13 request to compel Plaintiff to sit for his September 25, 2025, deposition and its request that the
 14 Court recommend case terminating sanctions.

15 **IT IS FURTHER ORDERED** that the following deadlines shall govern discovery:

16 Discovery cutoff: January 23, 2026

17 Dispositive motions: February 23, 2026

18 Joint pretrial order: March 25, 2026⁸

19 **IT IS FURTHER ORDERED** that Defendant's motion for sanctions (ECF No. 140) is
 20 **granted in part and denied in part**. It is granted in part regarding Defendant's request for its
 21 attorney's fees and costs related to the September 25, 2025, deposition. It is denied in part
 22 regarding Defendant's request for case terminating sanctions. Defendant must file an accounting
 23 of its attorney's fees and costs related to the September 25, 2025, deposition on or before
 24 **December 22, 2025**.

25 **IT IS FURTHER ORDERED** that Plaintiff's motion to strike (ECF No. 142) is **denied**.

26
 27 ⁸ Under Local Rule 26-1(b)(5), if dispositive motions are filed, the deadline for filing the joint
 28 pretrial order will be suspended until thirty days after decision on the dispositive motions or
 further court order.

1 **IT IS FURTHER ORDERED** that Plaintiff's motion to be exempt from PACER fees
2 (ECF No. 137) is **denied without prejudice**.

3 **IT IS FURTHER ORDERED** that Defendant's motion for a telephonic or virtual status
4 conference (ECF No. 141) is **granted in part and denied in part**. It is denied in part as moot
5 regarding Defendant's request that the Court hear its motion to extend discovery. It is granted in
6 all other respects. The Court schedules a hearing via **videoconference** for **December 30, 2025,**
7 **at 10:00 A.M.** At that hearing, the Court will address: (1) the amount of sanctions it will award
8 in connection with its June 5, 2025, order; (2) the amount of sanctions it will award for Plaintiff's
9 failure to attend his deposition; and (3) the scheduling of Plaintiff's deposition. The Court will
10 send a virtual invite to attend the hearing to the parties' email addresses before the hearing. The
11 parties must demonstrate the same decorum in the virtual hearing that they would in an in-person
12 hearing.

13 **IT IS FURTHER ORDERED** that Plaintiff's motion to compel (ECF No. 143) is
14 **denied**.

15 **IT IS FURTHER ORDERED** that Plaintiff's motions to supplement the record (ECF
16 Nos. 152, 154) are **denied**.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
18 this order to Plaintiff.

19
20 DATED: November 25, 2025

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23 DANIEL J. ALBREGTS
24 UNITED STATES MAGISTRATE JUDGE
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Antonio Goodwin,

Plaintiff,

v.

AT&T,

Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

Before the Court is pro se Plaintiff Antonio Goodwin's motion "of a courtesy reminder of document" (ECF No. 160), motion for appointment of counsel (ECF No. 165), motion "to remove AT&T PDF File re 167 Exhibit" (ECF No. 168), motion "to amend 167 exhibit" (ECF No. 169), motion "to withdraw/remove document 168" (ECF No. 170), and three motions to supplement (ECF Nos. 171, 172, 173). Defendant has either not responded, or is not yet due to respond, to the motions. Nonetheless, because the Court finds that all but one of Plaintiff's motions lacks a legal basis for the Court to grant them, the Court denies them.

In his motion "of a courtesy reminder," Plaintiff informs the Court that his motions for judgment to be entered in his favor (ECF Nos. 131, 136) have yet to be ruled on. Local Rule IA 7-1(a) provides the mechanism by which Plaintiff may inquire into the status of a motion, which is by letter not motion. Plaintiff also informs the Court that he intended the exhibits filed at ECF No. 156 to be filed as exhibits connected to ECF No. 155 and that the Clerk's office mistakenly filed them separately. But ECF No. 156 is labeled as an exhibit to ECF No. 155, so even if ECF No. 156 was mistakenly filed separately, it is clearly associated with ECF No. 155. There is therefore no ambiguity to correct. Finally, the remainder of Plaintiff's motion contains rambling arguments about evidence he states he has, his struggles in accessing PACER, and his attempts to file a writ for certiorari in the Supreme Court of the United States, which arguments seek no actionable relief. The Court denies Plaintiff's motion. (ECF No. 160).

1 Plaintiff's motion for appointment of counsel asks the Court to appoint him counsel in his
2 appeal. (ECF No. 165). The motion consists only of a title and does not include any points and
3 authorities. *See* LR 7-2(a). So, the Court denies it.

4 In two motions, Plaintiff seeks to remove ECF No. 167 from the docket, explaining that
5 he intended to file it with the Ninth Circuit and accidentally filed it with this Court. (ECF Nos.
6 168, 169). In a third motion, Plaintiff seeks to remove ECF No. 168, although it appears that he
7 is again referring to ECF No. 167. (ECF No. 170). The Court grants Plaintiff's motion (ECF No.
8 168) in part to the extent it seeks to strike Plaintiff's erroneously filed exhibit at ECF No. 167,
9 and denies his other two motions (ECF Nos. 169, 170) as duplicative. The Court will strike ECF
10 No. 167 from the docket using its inherent power to control the docket. *E.g., Ready Transp., Inc.*
11 *v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010); *Metzger v. Hussman*, 682 F. Supp. 1109,
12 1110-11 (D. Nev. 1988).

13 In two motions, Plaintiff moves to supplement the record with more information about his
14 communications with the Clerk's Office of the United States Supreme Court. (ECF Nos. 171,
15 173). Plaintiff provides no basis for this supplementation other than perhaps to support his belief
16 that his petition to the United States Supreme Court operated to excuse him from his September
17 25, 2025, deposition. But the Court has already rejected this reasoning. (ECF No. 158). And
18 even if the Court accepted Plaintiff's supplementation, it would not change the Court's decision.
19 *See* LR 7-2(g) (providing that supplementation is not allowed without leave of court granted for
20 good cause). It therefore denies Plaintiff's motions to supplement.

21 Plaintiff also moves to supplement the record with documents showing that Plaintiff has
22 attempted to file criminal charges against AT&T and its legal administrator in Maryland for
23 AT&T's allegedly "false" statement that it did not employ Plaintiff. (ECF No. 172). Plaintiff
24 provides no basis for this supplement. *See* LR 7-2(g). The Court did not request it and does not
25 require it to resolve any pending issues. So, the Court denies it.

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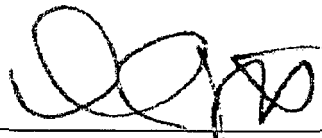
1 **IT IS THEREFORE ORDERED** that Plaintiff's motions (ECF Nos. 160, 165, 169, 170,
2 171, 172, 173) are **denied**.

3 **IT IS FURTHER ORDERED** that Plaintiff's motion (ECF No. 168) is **granted in part**
4 to the extent it seeks to strike Plaintiff's erroneously filed exhibit at ECF No. 167. It is denied in
5 all other respects.

6 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to **strike** ECF
7 No. 167 from the docket.

8 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
9 this order to Plaintiff.

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11 DATED: December 29, 2025

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15 DANIEL J. ALBREGTS
16 UNITED STATES MAGISTRATE JUDGE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO GOODWIN

Plaintiff,

vs.

AT&T,

Defendant.

Case No.: 2:23-cv-01950-GMN-DJA

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 189), from United States Magistrate Judge Daniel J. Albregts, which recommends that Plaintiff Antonio Goodwin’s motions, (ECF Nos. 185–87), be certified as frivolous. It further recommends that, if such certification should issue, this case be dismissed without prejudice.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, Plaintiff filed a 49-page Objection, (ECF No. 200). Objections to R&Rs are

1 subject to the 24-page limit stated in Local Rule 7-3. *See* LR IB 3-2; *see also* LR 7-3.
2 Moreover, the Objection does not include any “specific written objections with supporting
3 points and authorities.” LR IB 3-2(a). In particular, Plaintiff never specifically identifies any
4 portion of the Report and Recommendation to which he objects, and he never supports any of
5 his objections with supporting points and authorities, rendering the Objection non-compliant
6 with the Local Rule IB 3-2(a). Plaintiff’s Objection thus fails to comply with at least two local
7 rules. The court may strike documents that do not comply with the local rules, LR IC 7-1, and
8 it does so here. Accordingly, Plaintiff’s Objection, (ECF No. 200), is STRICKEN from the
9 docket rendering the R&R unopposed.

10 Accordingly,

11 **IT IS HEREBY ORDERED** that Plaintiff’s Objection is **STRICKEN**.

12 **IT IS FURTHER ORDERED** that the Report and Recommendation, (ECF No. 189), is
13 **ACCEPTED and ADOPTED** in full.

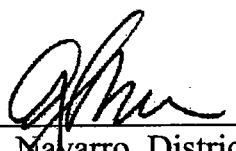
14 **IT IS FURTHER ORDERED** that Plaintiff’s Motions, (ECF Nos. 185–87), are
15 certified as frivolous.

16 **IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice.

17 **IT IS FURTHER ORDERED** that all other pending motions are **DENIED as moot**.

18 The Clerk of Court is kindly directed to close the case.

19 Dated this 5 day of February, 2026.

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21 _____
22 Gloria M. Navarro, District Judge
23 United States District Court
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 24 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTONIO GOODWIN,

Plaintiff - Appellant,

v.

AT&T CORPORATION,

Defendant - Appellee.

No. 25-4917

D.C. No.

2:23-cv-01950-GMN-DJA

District of Nevada,
Las Vegas

MANDATE

The judgment of this Court, entered September 02, 2025, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT