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FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAY 28 2026

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

FREDERICK LUEHRING III,

Plaintiff - Appellant,

v.

EUNMEE LEE and MAYBELL
MANLAGNIT,

Defendants - Appellees,

and

DOES; et al.,

Defendants.

No. 26-2706

D.C. No.

2:21-cv-03879-GW-SK

Central District of California,

Los Angeles

ORDER

Before: FRIEDLAND, R. NELSON, and BADE, Circuit Judges.

This court lacks jurisdiction over this appeal because the April 9, 2026 magistrate judge order is not final or immediately appealable. *See* 28 U.S.C. § 1291; *Rosenfeld v. United States*, 859 F.2d 717, 721-22 (9th Cir. 1988) (grant or denial of interim attorney's fees against a party is generally not an appealable final order under 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

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notice or further proceedings).

This court will not entertain any further filings in this case.

DISMISSED.

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FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUN 22 2026

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

FREDERICK LUEHRING III,

Plaintiff - Appellant,

v.

EUNMEE LEE and MAYBELL
MANLAGNIT,

Defendants - Appellees,

and

DOES; et al.,

Defendants.

No. 26-2706

D.C. No.

2:21-cv-03879-GW-SK

Central District of California,
Los Angeles

MANDATE

The judgment of this Court, entered May 28, 2026, 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

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FREDERICK LUEHRING,
Plaintiff,
v.
EUNMEE LEE and MAYBEL
MANLAGNIT,
Defendants.

Case No. 2:21-cv-03879-GW (SKx)

**ORDER CONDITIONALLY
GRANTING IN PART
DEFENDANTS' MOTION FOR
DISCOVERY SANCTIONS [138]**

Having read and considered both moving and opposing papers on the motion for discovery sanctions by Defendants Eunmee Lee and Maybel Manlagnit, the Court **CONDITIONALLY GRANTS IN PART** the requested evidentiary and monetary sanctions against Plaintiff Frederick Luehring in accordance with the Court's prior discovery orders and as required by the federal and local rules of civil procedure.

Based on his failure to appear multiple times for deposition as ordered, Plaintiff is conditionally precluded from submitting any declaration or sworn

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1 testimony in opposition to a motion for summary judgment, if such motion is timely
2 filed by Defendants. *See* Fed. R. Civ. P. 37(d)(3) (authorizing any sanctions “listed
3 in Rule 37(b)(2)(A)(i)-(vi)” for failure to appear at deposition); Fed. R. Civ. P.
4 37(b)(2)(A)(ii) (“prohibiting the disobedient party from supporting or opposing
5 designated claims or defenses, or from introducing designated matters in
6 evidence”). However, he will not be automatically precluded in this order from
7 testifying at trial—if one happens—although Defendants’ right to move in limine to
8 preclude such trial testimony at any later pretrial conference is fully preserved.

9 “Instead of or in addition to these sanctions,” the court also “must require the
10 party failing to act . . . to pay the reasonable expenses, including attorney’s fees,
11 caused by the failure, unless the failure was substantially justified or other
12 circumstances make an award of expenses unjust.” Fed. R. Civ. P. 37(d)(3). To
13 that end, Defendants seek the court reporter costs incurred for the three terminated
14 remote depositions in the total amount of \$6,033.70, and attorney’s fees in the total
15 amount of \$660 for the preparation and filing of this motion. Although these
16 monetary sanctions are warranted because Plaintiff’s failure to appear for
17 deposition as ordered was not “substantially justified”—given the many extensions
18 and accommodations he was offered—an immediate pre-judgment award of
19 expenses and fees may be unjust based on Plaintiff’s apparent current financial
20 circumstances, which the court presumes (without deciding) could present a
21 financial hardship.

22 Therefore, Defendants are conditionally awarded the court reporter costs
23 (\$6,033.70) and reasonable attorney’s fees (\$660) requested as only an offset
24 against any potential final judgment in Plaintiff’s favor that yields a monetary
25 award *equal to or in excess of* those combined costs and fees. If Plaintiff obtains a
26 final monetary judgment in his favor that is *less than* the combined costs and fees
27 conditionally awarded by this order, only the lesser amount equal to that judgment
28 will be owed to Defendants and may be satisfied as an offset against the judgment.

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1 Nothing in this order prevents the parties from submitting a stipulation
2 "signed by all parties who have appeared" and proposed order for dismissal of this
3 case under Rule 41(a)(1)(A)(ii), provided that such stipulation and proposed order
4 is filed by or before the dispositive motion filing deadline on April 22, 2026.
5 Meanwhile, the hearing on Defendants' motion noticed for April 15, 2026 is
6 vacated.

7
8 IT IS SO ORDERED.

9
10 Dated: April 9, 2026



HONORABLE STEVE KIM
United States Magistrate Judge

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Appendix C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1 p.

FREDERICK LUEHRING,
Plaintiff

v.

METROPOLITAN STATE
HOSPITAL, et al.,
Defendants.

Case No. 2:21-cv-03879-GW-SK

**ORDER DENYING
PLAINTIFF'S MOTION FOR
PROTECTIVE ORDER
MODIFYING PLACE OF
DEPOSITION [ECF 141]**

Plaintiff's motion for a protective order modifying place of deposition is denied without prejudice as untimely and moot. Nothing in this order, however, prevents the parties from filing a stipulation and proposed order in accordance with Federal Rule of Civil Procedure 29. That is not to imply that the stipulation would be accepted; it is only to point out the proper procedure. Absent such a Rule 29 order, then, the deadline for filing dispositive motions—April 22, 2026—remains as previously ordered.

IT IS SO ORDERED.

DATED: April 21, 2026



HON. STEVE KIM
United States Magistrate Judge

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Name and address:

#1067

Frederick Luehring
 6550 W. Rancho Vista Blvd., Ste. D,
 Palmdale, CA. 93551 / c/o Gen. Delv
 Main post office, 3600 Aolele St
 RM 208C, Honolulu, HI 96820 *
 Note: Located on Rural Homestead, No physical address available

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FILED
CLERK, U.S. DISTRICT COURT
3/4/2026
CENTRAL DISTRICT OF CALIFORNIA
BY <u>JJ</u> DEPUTY
DOCUMENT SUBMITTED THROUGH THE ELECTRONIC DOCUMENT SUBMISSION SYSTEM

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

FREDERICK LUEHRING

CASE NUMBER:

PLAINTIFF(S)

2:21-cv-03879-GW-SK

EUNMEE LEE, MAYBEL MANLACUIT,
 IN their personal/individual capacities

NOTICE OF CHANGE OF ATTORNEY
 BUSINESS OR CONTACT INFORMATION

DEFENDANT(S)

INSTRUCTIONS

Attorneys with pending cases:

If you are counsel of record in a case currently pending in this district and you need to update your business or contact information, you must file and serve this form in each of your pending cases. Doing so will satisfy your notice obligation under Local Rule 83-2.4. In addition, if you are registered to use the Court's electronic filing system, you must log in to your PACER account and update your information online. See Local Rule 5-4.8.1. For instructions, visit www.cacd.uscourts.gov/e-filing/updating-your-contact-information.

Attorneys with no pending cases:

If you are registered to use the Court's electronic filing system, but have no cases currently pending in this district, and you need to update your business or contact information in the Court's records, you must log in to your PACER account and update your information online (see www.cacd.uscourts.gov/e-filing/updating-your-contact-information). Doing so satisfies your obligations under Local Rules 5-4.8.1 and 83-2.4; you do not need to submit this or any other form.

If you are not registered to use the Court's electronic filing system, have no cases currently pending in this district, and need to update your business or contact information in the Court's records, please complete this form (you may leave the caption and case number blank) and email it to "email_update@cacd.uscourts.gov" with the subject line "Attention: Attorney Admission Clerk." Doing so satisfies your notice obligation under Local Rule 83-2.4.

Please note:

Use this form only to make changes to an attorney's business or contact information, not to change a party's representation. If you need to add, remove, or substitute counsel in a particular case, use Form G-01 ("Request for Approval of Substitution or Withdrawal of Counsel") or Form G-123 ("Notice of Appearance or Withdrawal of Counsel").

SECTION I - IDENTIFYING INFORMATION

Name: Frederick Luehring

Current email address of record: sundancetrust55@proton.me

Check one: ☐ Member of the Central District Bar; CA Bar No: ☐ Admitted pro hac vice

Counsel of record for (if filing in a pending case): pro-se

If you are an Assistant United States Attorney or Deputy Federal Public Defender in this district, indicate your agency and office:

☐ FPD☐ USAO (specify): ☐ Civil Division ☐ Criminal Division☐ Los Angeles☐ Santa Ana☐ Riverside

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#1068

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SECTION II - UPDATED INFORMATION

- ☒ I need to update the email address associated with my records. My new primary email address is:

noaddress@proton.me - Note - secondary e-mail

Note: if you need to update the secondary email address(es) associated with your account, you must log in and make those changes yourself.

- ☒ I need to update other business or contact information. Please replace my current contact information with the following new information:

Attorney's name changed to: _____

Name of new firm or government agency: _____

New address: 90 Gen. Del., Maine Post Office, 3600 Aolele St, Rt 2080, Honolulu, HI

New telephone number: 661-524-341*

New fax number: _____

96020*

New email address (for non-e-filers): *plaintiff will only contact via e-mail

SECTION III - APPLICATION TO CLOSED CASES

If you are registered to use the Court's e-filing system, you will have the opportunity to change your contact information in cases that are no longer pending when you update your information in PACER. If you are not registered, using this form to update your information will affect pending and future cases only, unless you check one of the boxes below:

- ☐ Update my information in all cases (including closed cases) in which I am listed as counsel of record.
- ☒ Update my information in only the following cases (include case name and number; attach additional pages if necessary):

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*Note: Address Above is temporary, plaintiff has the ability to receive orders/notices from current address on file. Request that any correspondence be sent to both address/ mailing locations.

SECTION IV - REGISTERING TO USE THE COURT'S E-FILE SYSTEM

If you have not yet registered to use the Court's e-filing system, you may do so at www.pacer.gov. Click "Manage My Account" in the upper right corner of the screen, log in using your individual upgraded PACER account, and select the "Maintenance" tab. Select "Attorney Admissions/E-File Registration," choose "U.S. District Courts" and the Central District of California from the dropdown menus, click on the "E-File Registration Only" button, and follow the instructions. Your request will be submitted to the Central District. If approved, you will be notified that your e-filing privileges have been activated.

SECTION V - SIGNATURE

Pursuant to Rule 83-2.4 of the Local Rules for the Central District of California, I hereby notify the Clerk of Court and all parties to this action, if any action is named above, that my business or contact information has changed as indicated herein.

Date: 03/02/2026

Signature: Without prejudice
Deborah L. Lacey

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