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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DENTON,

Plaintiff,

v.

LT. CHARLA JAMES-HUTCHISON,
SGT. JACKIE CARUSO,

Defendants.

CASE NO. 16-5314 RJB

ORDER OF DISMISSAL

This matter comes before the court *sua sponte*. For the following reasons, it appears that this case should be dismissed as a sanction for non-participation, non-compliance, and multiplying and obstructing proceedings.

This matter was set for Pretrial Conference, to be conducted telephonically and by video link at 8:30 a.m. on Friday, October 19, 2018. The court was present and defense counsel Brian Wasankari was present, as scheduled. A video link was in place with the Washington Corrections Center, where Mr. Denton is detained. The court waited for Mr. Denton to appear in the room where the video link was prepared, for about 20 minutes. Then the court was called to

1 order and staff from the Washington Corrections Center were on the record and indicated that
2 Mr. Denton would not come out of his cell to come to the room where the video link was set up,
3 having some concern over being in restraints. The Corrections Center staff described continuing
4 efforts by staff, including Mr. Denton's counselor, to get him to come out of his cell so that the
5 Pretrial Conference could proceed. He refused, and the court finally recessed the Pretrial
6 Conference.

7 The plaintiff's lack of cooperation in regard to the Pretrial Conference is only the last
8 step in a long history of failing to cooperate with defense counsel or to comply with the court's
9 rules in preparing the case for trial, as is reflected in Defendants' Motion to Dismiss Pursuant to
10 FRCP 41 or, in the Alternative, Exclude Evidence under FRCP 37(c)(1) (Dkt. 234). Without the
11 plaintiff's cooperation, it will be impossible to conduct the trial now set for October 29, 2018,
12 and it appears that Mr. Denton has voluntarily refused to follow court rules or to cooperate with
13 the court and defense counsel in preparing the case for trial.

14 The court has expended considerable time and resources in preparing for the Pretrial
15 Conference and the trial, including preparing a video link for all proceedings. Similarly, as
16 reflected in the file, the defense has expended considerable time and resources in preparing the
17 case. The court's and the defense's work has been made much more difficult by plaintiff's
18 refusal to follow court rules.

19 Under all the circumstances, it appears now that the case should be dismissed with
20 prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Local Civil Rule 11(c) as a
21 sanction. Mr. Denton has failed to comply with the rules of the court and has failed to attend a
22 critical Pretrial Conference without good cause, has failed to follow the rules and orders of the
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1 court in trial preparation, and his actions have obstructed court proceedings. Pending motions
2 should be stricken.

3 IT IS ORDERED that this case is dismissed with prejudice.

4 The Clerk is further directed to send uncertified copies of this Order to all counsel of
5 record and to any party appearing *pro se* at said party's last known address.

6 Dated this 19th day of October, 2018.

7 

8 ROBERT J. BRYAN
9 United States District Judge