

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2025

FOR THE NINTH CIRCUIT

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

LANCE WILLIAMS,

Plaintiff - Appellant,

v.

R. PARSELLS,

Defendant - Appellee.

No. 24-254

D.C. No.

2:22-cv-00514-KJM-KJN

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Kimberly J. Mueller, District Judge, Presiding

Submitted September 17, 2025\*\*

Before: SILVERMAN, OWENS, and BRESS, Circuit Judges.

Lance Williams appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional claims arising from his custody in a California prison. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Applied Underwriters, Inc. v. Lichtenegger*, 913 F.3d

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

884, 890 (9th Cir. 2019) (dismissal for failure to comply with a court order under Fed. R. Civ. P. 41(b)); *Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1022 (9th Cir. 2002) (dismissal as a discovery sanction under Fed. R. Civ. P. 37). We affirm.

The district court did not abuse its discretion in dismissing Williams’s action after Williams failed to comply with the district court’s order to appear for and participate in his deposition, despite being warned that noncompliance would result in dismissal, because the record supports the finding that Williams’s conduct was willful. *See* Fed. R. Civ. P. 37(b)(2) (permitting dismissal of an action where a party has failed to comply with court’s discovery orders); Fed. R. Civ. P. 41(b) (permitting dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order”); *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1226, 1233 (9th Cir. 2006) (discussing five factors that courts must weigh in determining whether to dismiss under Rule 37(b) and explaining that “Rule 37 sanctions, including dismissal, may be imposed where the violation is due to willfulness, bad faith, or fault of the party” (citation and internal quotation marks omitted)).

**AFFIRMED.**