[DO NOT PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 24-10988

Non-Argument Calendar

BOZORGMEHR POUYEH,

Plaintiff-Appellant,

versus

PUBLIC HEALTH TRUST OF JACKSON HEALTH SYSTEM,
a.k.a. the "Trust",
CARLOS A. MIGOYA,
Chief Executive Officer of the Trust,
DR. STEVEN J. GEDDE,
Program Director of Opthamology Residency Program,
DR. STEFANIE R. BROWN,
Program Director of Preliminary & Internal Medecine

f.k.a. Dr. Doe, et al.,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:16-cv-23582-JEM

Before ROSENBAUM, BRANCH, and ANDERSON, Circuit Judges.

PER CURIAM:

Bozorgmehr Pouyeh sued the Public Health Trust of Jackson Health System (the "Trust"), its Chief Executive Officer, and several of its employees after he applied for but did not receive a position in the Jackson Health System's internal medicine and ophthalmology residency programs or its preliminary medicine internship program. Pouyeh alleged that he was denied these positions because he was an Iranian national who earned his medical degree in Iran and that the defendants violated his federal statutory and constitutional rights. After several years of litigation, the district court dismissed the action for failure to prosecute and to comply with court orders, and Pouyeh now appeals. After careful review, we affirm the district court's judgment dismissing the case, and we conclude that none of the other arguments Pouyeh raises merit relief from the judgment. Accordingly, we affirm.

I.

Pouyeh filed this lawsuit *pro se* in 2016 after he applied for but did not receive a position in the Trust's ophthalmology and internal medical residency programs or its preliminary medicine internship program. Pouyeh is from Iran and graduated from medical school there before coming to the United States. Pouyeh claimed, among other things, that the Trust violated his constitutional rights by treating international medical graduates worse than U.S. medical graduates, and by operating a quota system based on national origin in its internal medicine residency program.

According to a joint statement of facts, the internal medicine residency program "offers twelve positions to Latin American physicians with a commitment to return to their home countries upon completion of training through the William J. Harrington Program as part of the UM/JMH Internal Medicine residency program." The goal of the Harrington Program is "to train physicians who, upon completion of their training, will return to their home counties with knowledge and experience that, otherwise, would be impossible to obtain."

A. Relevant Procedural History

In February 2017, early in the case, Pouyeh asked to be excused from a mediation requirement in the court's scheduling order. A magistrate judge granted the motion in part, ordering the defendants to "pay for all of the mediator's fees, including Plaintiff's 50%," but providing that they "may seek reimbursement" at the end of the case.

The district court dismissed the action in 2019. On appeal, however, we vacated the dismissal in part and remanded for further proceedings on certain claims, including with respect to the Harrington Program. *See Pouyeh v. Public Health Trust of Jackson Health Sys.*, 832 F. App'x 616 (11th Cir. 2020).

On remand, Pouyeh filed a third amended complaint with leave of court in March 2021, the defendants answered, and the case proceeded to discovery. Pouyeh asked the court to be able to file electronically because he had returned to Iran and it was difficult and costly to timely mail documents, but the district court denied the motion.

In May 2023, Pouyeh moved for partial summary judgment on liability. At the same time, he moved to suspend the deadline for mediation until the court ruled on summary judgment, though he advised that mediation remained a "good alternative for trial for . . . monetary damages." The magistrate judge granted an extension, ordering the parties to complete mediation within two weeks after the resolution of Pouyeh's partial summary-judgment motion.

In July 2023, the magistrate judge issued a report and recommendation ("R&R") to deny Pouyeh's motion, finding that Pouyeh failed to support his motion with admissible evidence. Pouyeh filed objections to the R&R and also sought to amend his complaint. In October 2023, the district court adopted the R&R, denied Pouyeh's motion for summary judgment and his motion to amend, and scheduled the trial to begin in early December 2023. Before

that, however, the court ordered the parties to "conduct mediation on or before October 27, 2023."

No mediation took place by the deadline. Instead, on October 20, 2023, Pouyeh filed a notice of appeal from the denial of partial summary judgment. On November 20, 2023, the district court ordered the parties, on or before November 29, to provide notice of the results of mediation or to show cause why sanctions should not be imposed for the failure to complete mediation as required by court order. The court warned that "failure to comply with this Order will result in the imposition of sanctions against the offending party or parties, including but not limited to **final dismissal** of this action."

Defendants responded that Pouyeh's failure to comply was a "deliberate decision," "not a mistake," and that his "deliberate disregard" of the mediation order warranted dismissal of the action as a sanction. Defendants noted that Pouyeh previously had been warned by the court that mediation was court-ordered and not voluntary.

For his part, Pouyeh did not dispute that he made a deliberate decision not to comply with the mediation order. But he contended that he had good reasons for doing so, including that (a) he had been the one to propose mediation, (b) he lived in Iran; (c) he could not afford the cost of mediation; (d) his notice of appeal divested the district court of jurisdiction over the case; and (e) he had been denied the right to file his documents electronically, making it more difficult and costly to prosecute the case. Pouyeh urged

that it would be "utterly unfair" to dismiss the case in these circumstances.

On November 28, 2023, Pouyeh mailed a motion from Iran seeking postponement of the trial and pretrial matters, explaining that he mistakenly believed that the denial of summary judgment was appealable and that he was "not prepared for any trial and pretrial procedure." Pouyeh also emailed the motion directly to chambers, in violation of local rules and the court's repeated instructions. The motion was entered on the docket on December 1, 2023. Meanwhile, Pouyeh failed to appear for a calendar call held on November 30, 2023.

B. District Court's Dismissal Order

On November 30, 2023, after Pouyeh missed the calendar call, the district court entered an order dismissing the case for failure to prosecute and failure to comply with court orders, citing its inherent powers and Fed. R. Civ. P. 41(b). The district court found that Pouyeh had not shown good cause for his failure to comply with the order to mediate. The court rejected as "inaccurate" Pouyeh's claim that he was the one who asked for mediation, noting that Pouyeh had been ordered to engage in mediation before trial early in the case, and that his motion to be excused from that requirement was denied. When a mediator was eventually selected in April 2023, the court stated, Pouyeh "again delayed the proceedings by requesting the deadline for mediation to be postponed" until the court resolved his motion for partial summary judgment.

Pouyeh's other excuses fared no better, in the court's view. Pouyeh's claim that he could not afford the cost of mediation did not excuse his "total disregard" of the mediation order, the court stated, because the magistrate judge had ordered the defendants to pay for any mediation costs until the resolution of the case. The court also reasoned that Pouyeh's interlocutory appeal did not divest jurisdiction over all aspects of the case, including the mediation requirement.

The district court further concluded that Pouyeh's litigation conduct reflected a "clear record of delay and contumacious disregard of this [c]ourt's orders," making the sanction of dismissal appropriate. In addition to disregarding the mediation orders without good cause, the court found that Pouyeh "continue[d] to violate Local Rule 7.7" and the court's numerous orders not to email formal filings to chambers, under threat of sanctions. What's more, the court explained, Pouyeh's motion to postpone the trial was the latest in a line of attempts to delay proceedings. The court noted that trial had been rescheduled multiples times and that "it does not appear that [Pouyeh] has any interest in resolving" the case. In addition to delaying and failing to complete mediation, the court stated, Pouyeh "failed to comply with other significant pretrial deadlines such as the filing of a joint pretrial stipulation" and missed the calendar call before trial. The court concluded that Pouyeh had "established a pattern of defiance of this Court's orders, ignored this Court's warnings, and wasted this Court's time and resources such that it is clear from the record that lesser sanctions will not suffice."

Accordingly, the district court dismissed the action for failure to prosecute and for failure to comply with court orders. Pouyeh filed a motion for reconsideration, which a magistrate judge denied, and this appeal followed.

II.

We review for abuse of discretion a district court's dismissal for failure to prosecute or to comply with court rules or orders. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). "An abuse of discretion occurs when a district court commits a clear error of judgment, fails to follow the proper legal standard or process for making a determination, or relies on clearly erroneous findings of fact." *Yellow Pages Photos, Inc. v. Ziplocal, LP*, 846 F.3d 1159, 1163 (11th Cir. 2017). "Discretion means the district court has a range of choice, and that its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of law." *Betty K*, 432 F.3d at 1337.

District courts have the inherent power to *sua sponte* dismiss cases for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). Courts may also dismiss a plaintiff's case, on a defendant's motion, for failure to prosecute or failure to comply with court rules or orders. Fed. R. Civ. P. 41(b).

"We have repeatedly cautioned that dismissal is a sanction of last resort, appropriate in only extreme circumstances." *In re Parrott*, 118 F.4th 1357, 1363 (11th Cir. 2024) (quotation marks omitted). "[A] dismissal *with prejudice*, whether on motion or *sua sponte*, is an extreme sanction that may be properly imposed only

when: (1) a party engages in a clear pattern of delay or willful contempt (contumacious conduct); and (2) the district court specifically finds that lesser sanctions would not suffice." *Betty K Agencies*, 432 F.3d at 1337–38 (quotation marks omitted). But "[m]ere negligence or confusion is not sufficient to justify a finding of delay or willful misconduct." *Zocaras v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006).

"In addition to finding willful contempt, a district court must consider the possibility of alternative, lesser sanctions." *Id.* at 484. Such consideration need not be explicit, however, so long as the record supports the court's implicit decision to reject lesser sanctions. *Id.* The sanction imposed by the court "should fit the interests jeopardized and the harm caused by the violation." *Id.* at 485. Sanctions may be imposed not only to punish the offender but also to deter future litigants. *See id.* at 484–85.

We liberally construe the filings of *pro se* litigants like Pouyeh. *Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014). Nonetheless, even *pro se* litigants are required to comply with applicable procedural rules. *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007).

Here, we cannot say that the district court abused its discretion by dismissing the action with prejudice. For starters, the record supports the court's finding that Pouyeh willfully refused to comply with the order to participate in mediation before trial. After denying Pouyeh's summary-judgment motion and setting the matter for trial to begin on December 4, 2023, the court ordered

the parties "to conduct mediation on or before October 27, 2023." It appears Pouyeh made no effort to comply with that order, however, or to seek relief from it, even after the court entered its order to show cause, which warned of sanctions including "final dismissal."

Instead, Pouyeh sought to delay both mediation and the trial. Pouyeh first filed a notice of appeal of the denial of his motion for partial summary judgment, intending to divest the court of jurisdiction. Then, following the court's show-cause order, Pouyeh requested an indefinite postponement of trial, potentially for years, as his appeal went forward or until he could afford the "cost of printing his exhibits for trial" and the "cost of travel from Iran to the USA for trial." This motion, which he sent within a week of trial, advised that he had been focused on the appeal and was "not prepared for any trial and pretrial procedure." Indeed, he missed the calendar call without notice and failed to file other pretrial documents.

The record otherwise supports the district court's reasons for rejecting Pouyeh's excuses for not complying with the mediation orders. Contrary to Pouyeh's asserted belief, his filing of the notice of appeal did not divest the court of jurisdiction over the case, nor did it excuse him from complying with the court's orders to mediate. Absent exceptions not applicable here, "an order denying a motion for summary judgment is not an appealable final order." *Schmelz v. Monroe County*, 954 F.2d 1540, 1542 (11th Cir. 1992). And the filing of a notice of appeal from a nonappealable order does

not divest the district court of jurisdiction. *Stansell v. Revolutionary Armed Forces of Colombia*, 120 F.4th 754, 763 (11th Cir. 2024).

As for the cost of mediation, the district court had addressed that issue already by ordering the defendants to pay for any upfront costs. And while we are cognizant of the practical difficulties Pouyeh faced litigating the case *pro se* by mail, while located overseas in another country, as well as his views about the utility of mediation, they do not provide license to disregard lawful court orders or to dictate the terms of litigation, even if they may have provided grounds for appeal. *See In re Novak*, 932 F.2d 1397, 1400 (11th Cir. 1991) ("[A]n order duly issued by a court having subject-matter jurisdiction over a case or controversy before it, and personal jurisdiction over the parties to that case or controversy, must be obeyed, regardless of the ultimate validity of the order.").

The district court also reasonably viewed Pouyeh's failure to comply with the mediation order as part of a pattern of willful noncompliance with the court's instructions. The record shows that Pouyeh, after being denied leave to file electronically, repeatedly violated local rules and the court's instructions by emailing requests for relief directly to chambers. *See* S.D. Fla. Local Rule 7.7.[1] The court identified at least five separate instances during 2023 when Pouyeh was warned by the magistrate judge not to

[1] Southern District of Florida Local Rule 7.7 states that parties, unless invited or directed by the court, shall not "address or present to the Court in the form of a letter or the like any application requesting relief in any form, citing authorities, or presenting arguments."

email requests for relief to chambers, under threat of sanctions. Even if Pouyeh believed the court's filing restrictions were unreasonable, he was not at liberty to disregard these instructions, or any other order of the court, merely because he thought the court was wrong. *See In re Novak*, 932 F.2d at 1400.

Finally, the district court expressly found that no lesser sanction than dismissal would suffice, and the record supports the court's implicit rejection of lesser sanctions, even if the court did not consider those possibilities expressly. *See Zocaras*, 465 F.3d at 484. Pouyeh's litigation conduct—disregarding the mediation orders and repeatedly violating local rules—indicated that he would continue to litigate the case on his own terms and disregard court orders or instructions he found unreasonable or wrong. That Pouyeh had continued to violate the court's orders and instructions despite being warned of sanctions, up to and including dismissal, supports the court's conclusion that dismissal was appropriate. *Cf. Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (stating that a dismissal with prejudice under Rule 41(b) "upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion").

Moreover, there was little indication of an end to litigation in sight, placing additional and seemingly indefinite burdens on the defendants and the court. The case, originally brought in 2016, had been pending on remand since 2021, and the trial date of September 2022 was pushed back several times. Though eventually rescheduled for more than a year later, in December 2023, it's clear

that the trial could not have gone forward as scheduled, or anytime in the then-foreseeable future, given Pouyeh's claim that he could not afford the costs of travel or copying evidence. Pouyeh's circumstances are unfortunate, but he cites no authority requiring the court to hold the case indefinitely until he was ready to proceed.

For these reasons, we affirm the district court's dismissal of Pouyeh's lawsuit for failure to prosecute and to comply with court orders.

III.

Pouyeh raises a number of other arguments on appeal, including that the district court erred or abused its discretion by (1) denying his motion to amend the complaint; (2) requiring him to mail physical copies of filings instead of permitting him to file documents electronically via CM/ECF; (3) denying summary judgment on the merits of his claims; and (4) denying his motion for sanctions, which the defendants failed to oppose. None merit relief from the judgment.

A. Motion to Amend

First, the district court did not abuse its discretion in denying Pouyeh's motion to amend. *Coventry First, LLC v. McCarty*, 605 F.3d 865, 869 (11th Cir. 2010). Pouyeh moved to file a fourth amended complaint after discovery was closed, the deadline for dispositive motions had passed, and trial was scheduled. "[I]t is not an abuse of discretion for a district court to deny a motion for leave to amend following the close of discovery, past the deadline for amendments and past the deadline for filing dispositive motions."

Lowe's Home Centers, Inc. v. Olin Corp., 313 F.3d 1307, 1315 (11th Cir. 2002).

B. Motion to Permit Electronic Filing

Second, the district court did not abuse its discretion or violate Pouyeh's constitutional rights by preventing him from filing electronically as a *pro se* litigant. We "review a district court's application of local rules for an abuse of discretion," *Mann v. Taser Int'l, Inc.*, 588 F.3d 1291, 1302 (11th Cir. 2009), and we review the constitutionality of a challenged provision *de novo*, *Harris v. Mexican Specialty Foods, Inc.*, 564 F.3d 1301, 1308 (11th Cir. 2009).

Federal Rule of Civil Procedure 5(d)(3) provides that *pro se* litigants "may file electronically only if allowed by court order or by local rule," and "may be required to file electronically only by court order, or by a local rule that includes reasonable exceptions." Fed. R. Civ. P. 5(d)(3)(B)(i). District courts are authorized to institute and enforce local rules governing practice and procedure. *Zaklama v. Mt. Sinai Medical Ctr.*, 906 F.2d 645, 647 (11th Cir. 1990).

Rule 5.1(b) of the Local Rules for the Southern District of Florida generally requires all documents to be filed electronically using CM/ECF. Local Rules for U.S. Dist. Ct. for S.D. Fla., Rule 5.1(b) (Dec. 1, 2022). *Pro se* parties are exempted from that requirement, however. *Id.* Specifically, according to the local rules, "[p]ro se litigants will not be permitted to register as [CM/ECF] Users at this time and must file their documents in the conventional manner, unless otherwise allowed by court order or by local rule." S.D.

Fla. CM/ECF Admin. P. 2C. Even emergency or expedited motions must be filed conventionally. *Id.*, Rule 7.1(d)(2).

Pouyeh contends that these rules—which broadly prohibit *pro se* parties from filing electronically—violate his equal-protection rights because they discriminate against and impose additional costs on *pro se* parties without a rational basis. We disagree.

If a law creates a classification that infringes on fundamental rights or concerns a suspect class, heightened scrutiny applies. *United States v. Castillo*, 899 F.3d 1208, 1213 (11th Cir. 2018). But other kinds of classifications are subject to a weaker rational-basis test. *Id.* Because neither *pro se* status nor wealth discrimination implicates a fundamental right or suspect class, we apply rational-basis review. *See Jones v. Gov. of Fla.*, 975 F.3d 1016, 1032 (11th Cir. 2020) ("[T]he general rule [is] that rational basis review applies to claims of wealth discrimination."); *cf. Mitchell v. Farcass*, 112 F.3d 1483, 1487–88 (11th Cir. 1997) (applying rational-basis review to the filing-fee requirements of the Prison Litigation Reform Act).

The first step in an equal-protection rational-basis review is to determine whether a legitimate government purpose exists that the enacting government body could have been pursuing. The second step asks whether a rational basis exists for that governing body to believe the legislation would further the hypothesized purpose. *Mitchell*, 112 F.3d at 1488.

Here, Pouyeh has not shown that the federal and local rules lack a rational basis to distinguish between represented and *pro se* parties with respect to electronic filing. Valid administrative and

fairness concerns underlie this distinction, as explained by the advisory committee in its notes to Federal Rule 5:

> It is not yet possible to rely on an assumption that pro se litigants are generally able to seize the advantages of electronic filing. Encounters with the court's system may prove overwhelming to some. Attempts to work within the system may generate substantial burdens on a pro se party, on other parties, and on the court.

Fed. R. Civ. P. 5, advisory committee's note to the 2018 amendments, subdivision (d). *Pro se* litigants have a "unique status . . . in our court system," occupying a "position significantly different from that occupied by litigants represented by counsel." *Johnson v. Pullman, Inc.*, 845 F.2d 911, 914 (11th Cir. 1988). It's rational to believe they pose different administrative challenges. And we see no grounds for concluding that "the relationship between the classification and the goal is . . . so attenuated as to render the distinction arbitrary or irrational," or that these rules were motivated by a discriminatory purpose. *Joel v. City of Orlando*, 232 F.3d 1353, 1358 (11th Cir. 2000).

While Pouyeh is correct that some *pro se* parties may be more familiar with the court system than others, or otherwise better equipped to handle electronic filing, a rule need not be narrowly tailored to survive rational-basis review. *See Mitchell*, 112 F.3d at 1488. And in any case, the rules account for that possibility by permitting *pro se* parties to file electronically when authorized by local

rules or court order. *See* Fed. R. Civ. P. 5(d)(3)(B)(i); S.D. Fla. Local Rule 5.1(b); S.D. Fla. CM/ECF Admin. P. 2C. Accordingly, we reject Pouyeh's argument that these rules fail to satisfy rational-basis review.

Pouyeh also maintains that the district court violated his right of access to the courts, and otherwise abused its discretion, by refusing to permit electronic filing in his specific circumstances, most notably living overseas. However, the right of access to the courts "is neither absolute nor unconditional." *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008) (quotation omitted). It requires only an "adequate, effective, and meaningful" degree of court access. *Chappell v. Rich*, 340 F.3d 1279, 1282 (11th Cir. 2003). And courts are afforded largely "unquestionable" authority in exercising control over their own respective dockets. *Smith v. Psychiatric Sols., Inc.*, 750 F.3d 1253, 1262 (11th Cir. 2014). This includes "broad discretion in deciding how best to manage the cases before them." *Id.* (quotation marks omitted).

We cannot say Pouyeh has shown he was denied meaningful access to the courts by being unable to file electronically. It appears Pouyeh was held to the same standard as any other *pro se* litigant in the Southern District of Florida, and that standard was expressly authorized by the Federal Rules of Civil Procedure. Nor do we see any indication that the court's refusal to grant an exception prejudiced Pouyeh. His contention that he would have won his motion for partial summary judgment, had he been able to file supporting evidence electronically, is speculative and unsupported, as

are his assertions about the course of litigation had he prevailed on at least some of his claims.[2] And neither the filing restriction nor the denial of summary judgment prevented Pouyeh from proving his claims at trial, notwithstanding the other barriers Pouyeh faced outside of court. Accordingly, Pouyeh has not established an abuse of the district court's "broad discretion in deciding how best to manage the cases" before it. *Smith*, 750 F.3d at 1262.

C. Motion for Partial Summary Judgment

Third, the denial of Pouyeh's motion for summary judgment is outside the scope of our review. The denial of an ordinary motion for summary judgment "is not an appealable judgment under 28 U.S.C. § 1291." *Nat'l Parks & Conservation Ass'n, Inc. v. Tenn. Valley Auth.*, 502 F.3d 1316, 1330 (11th Cir. 2007). Because the denial of a motion for summary judgment is not a final order reviewable under § 1291, "we have jurisdiction to review the district court's order denying [Pouyeh's motion for partial summary judgment] only if it merge[s] into a final judgment of the district court." *Foy v. Schantz, Schatzman & Aaronson, P.A.*, 108 F.3d 1347, 1350 (11th Cir. 1997) (quotation marks omitted).

"When a district court enters a final judgment, all prior nonfinal orders and rulings which produced the judgment are merged into the judgment and subject to review on appeal." *Akin v. PAFEC*

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[2] As we explained above, Pouyeh's beliefs about the invalidity of the district court's order do not justify or excuse willful noncompliance with a lawful order. *See In re Novak*, 932 F.2d 1397, 1400 (11th Cir. 1991).

Ltd., 991 F.2d 1550, 1563 (11th Cir. 1993) (quotation marks omitted). Where a court's ruling cannot be "characterized as having 'produced' the judgment," however, we generally lack jurisdiction to review such rulings. *Id.*

Here, the denial of Pouyeh's motion for partial summary judgment did not produce or lead to the dismissal of this action for failure to prosecute and to follow court orders. The record fails to suggest that the denial of partial summary judgment played a role in the entry of the final judgment. The court's reasons for dismissing the case did not rely on the merits of Pouyeh's claims, nor was Pouyeh prevented by the summary-judgment ruling from attempting to prove any of his claims at trial. And because Pouyeh moved for *partial* summary judgment, it appears he would have remained subject to the same mediation and trial deadlines, even if the trial had been limited to damages, along with the same practical limitations on his ability to engage in mediation or prepare for trial. Pouyeh's speculation aside, we cannot say, in the specific circumstances presented here, that the denial of summary judgment produced or merged with the final judgment over which we have jurisdiction.[3] *See Akin*, 991 F.2d at 1563; *Foy*, 108 F.3d at 1350.

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[3] Alternatively, and for similar reasons, we conclude that any error in denying the motion for partial summary judgment was harmless. "The standard for harmless error is whether the complaining party's substantial rights were infringed upon." *Equal Emp't Opportunity Comm'n v. STME, LLC*, 938 F.3d 1305, 1322 (11th Cir. 2019). An error is prejudicial "only if there is a reasonable likelihood that the outcome would have been different." *Id.* Here, Pouyeh cannot

D. Motion for Sanctions

Finally, the district court did not abuse its discretion by denying Pouyeh's motion for sanctions, even though it was not opposed by the defendants. While the court was permitted under local rules to grant the motion by default, it was not required to do so. *See* S.D. Fla. Local Rule 7.1(c)(1). And there were good reasons not to. The grounds for sanctions asserted by Pouyeh involved only delays in editing the proposed joint statement of material facts and the failure to respond in his requested file format. They did not involve any pleading filed by defendants' counsel or any sanctionable breach of discovery procedure. Even assuming Pouyeh identified sanctionable conduct, nothing in his motion compelled a sanctions award. So the court did not abuse its discretion by denying the motion.

IV.

In sum, and for the foregoing reasons, we affirm the district court's judgment of dismissal.

AFFIRMED.

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establish that his substantial rights were infringed by the court's denial of partial summary judgment.