

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12474
Non-Argument Calendar

PAULA GRACE WILLIS,

Plaintiff-Appellant,

versus

LOCKHEED MARTIN CORPORATION,

Defendant- Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:24-cv-61357-RS

Before JORDAN, LUCK, and KIDD, Circuit Judges.

PER CURIAM:

Paula Grace Willis appeals the district court's dismissal of her complaint with prejudice for her willful failure to comply with

her discovery obligations and several court orders. After careful review, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Willis sued her former employer, Lockheed Martin, under Title VII of the Civil Rights Act of 1964 for “discriminatory, harassing, and retaliatory treatment on the basis of race and national origin.” At the time she filed her complaint, Willis was represented by counsel. In November 2024, the district court entered scheduling and discovery orders, which ordered all discovery due by April 21, 2025, and that any objections to discovery requests be “specific.”

On January 27, 2025, Lockheed served Willis its first set of interrogatories and requests for production, requesting responses by March 3. Lockheed also served Willis a notice to appear for an in-person deposition on April 21. Willis moved for a stay or, alternatively, that she be allowed to appear remotely for her deposition since she was “scheduled to be on an overseas mission” and would “be on another continent” on that date. Willis did not say what country she was traveling to. The district court denied the motion, finding no good cause to allow a remote appearance. The district court also warned both parties that it reserved the right to impose sanctions, including dismissal, for violations of its orders.

By April 7, when Willis failed to respond to discovery, Lockheed moved to compel discovery responses. Willis did not respond to that motion. Lockheed also moved to compel Willis’s appearance at her deposition after she advised that she would not attend.

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In response, Willis argued that she was “unavailable” to appear in person because, “[p]rior to the filing of this suit, [she] was scheduled to be on an overseas mission” from February through August.

On April 17, four days before the discovery deadline, Willis’s counsel moved to withdraw from representation. After a hearing that same day, the district court granted the motion to compel the discovery requests and extended the discovery deadline to April 24. Since the time for Willis’s April deposition had not yet passed, the district court said that it would defer ruling on the motion to compel her deposition and reset the deposition for May 2, but ordered once again that the deposition “w[ould] be held in person and w[ould] require [Willis] to appear **in person**.” The district court warned that failure to comply would result in sanctions. On the date of Willis’s originally-scheduled deposition, Lockheed served Willis with a notice to appear on the new May 2 date.

Despite the district court’s warnings of sanctions, by April 28, four days after the extended discovery deadline, Willis still had not responded to any of the interrogatories and had responded to just four of the forty-two requests for production. Willis did not object to the requests she did not respond to. So, Lockheed filed another motion to compel.

The next day, the district court ordered Willis to show cause why she failed to comply with her discovery obligations. The district court also granted Willis’s counsel’s motion to withdraw, and Willis began proceeding pro se. Willis did not respond to the show-cause order as to the discovery responses. As for her deposition,

on April 30, she moved to “strike deposition scheduling” and stated that any expectation of her in-person appearance was “illogical and preposterous.”

On May 29, the district court held a status conference, which Willis did not attend. One day later, the district court ordered Willis to “comply with and respond to all outstanding discovery” within the next two weeks or face dismissal with prejudice. The district court bolded and underlined the phrases “dismissal” and “with prejudice” for emphasis. Willis did not respond to the show cause order.

On June 24, the district court gave Willis one last chance to comply with her discovery obligations and to provide a current mailing address to the court by July 3. The district court again warned Willis that failure to comply would result in dismissal with prejudice. And it again emphasized the words “dismissal” and “with prejudice.”

On July 10, when Willis still had not complied, the district court dismissed Willis’s complaint with prejudice under Federal Rules of Civil Procedure 41(b) and 37, citing Willis’s failure to respond to Lockheed’s discovery requests and to follow the district court’s directives despite “multiple attempts . . . to ensure compliance.” Willis’s repeated refusals to respond to discovery requests, appear for her in-person deposition, or supply the court with her current contact information—all in violation of the district court’s scheduling, discovery, and show cause orders—formed a pattern of

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“contemptuous” conduct that warranted dismissal, the court explained. And lesser sanctions would not suffice.

STANDARD OF REVIEW

We review dismissals under rules 41(b) and 37 for abuse of discretion. *Gratton v. Great Am. Commc’ns*, 178 F.3d 1373, 1374 (11th Cir. 1999). We hold pro se pleadings to a less stringent standard and liberally construe them. *Campbell v. Air Jam., Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014).

DISCUSSION

Willis argues that the district court erred in dismissing her complaint. We disagree.

Rule 41(b) authorizes a district court to dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules. *See* Fed. R. Civ. P. 41(b). Dismissal with prejudice is appropriate where there is a “clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.” *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985) (citation modified).

“The district court also has broad authority under [r]ule 37 to control discovery, including dismissal as the most severe sanction,” when a party fails to comply with a discovery order. *Gratton*, 178 F.3d at 1374; *see* Fed. R. Civ. P. 37(b)(2)(A)(v), (d)(3). “Rule 37 sanctions are intended to prevent unfair prejudice to the litigants.” *Gratton*, 178 F.3d at 1374. “If a pro se litigant ignores a discovery

order, he is and should be subject to sanctions like any other litigant.” *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). Accordingly, “dismissal upon disregard of an order, especially where the [pro se] litigant has been forewarned, generally is not an abuse of discretion.” *Id.*

Here, the district court dismissed Willis’s complaint after finding she engaged in consistent willful conduct and lesser sanctions would not suffice. Willis’s repeated refusals to comply with her discovery obligations and court orders in the face of clear notice of the consequences demonstrated willfulness. And lesser sanctions would not have worked because Lockheed would still have to defend the case without discovery and incur unnecessary costs. *See id.* at 839 (affirming dismissal of a pro se plaintiff’s complaint with prejudice under rules 41(b) and 37(b) for “repeatedly and stubbornly def[ying]” court orders relating to discovery). Thus, the district court did not abuse its discretion in dismissing Willis’s case with prejudice. *See Goforth*, 766 F.2d at 1535.

Willis offers three arguments in response. First, she contends that she did not have notice of the May status conference, and the district court’s dismissal on that basis denied her procedural due process. But the district court did not base its dismissal on Willis missing the May status conference. Rather, the dismissal was based on her pattern of discovery misconduct and refusal to comply with court orders. The district court gave Willis notice and an opportunity to be heard before the dismissal by compelling her to comply with the discovery process, ordering her to show cause,

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and warning her that continued noncompliance would result in dismissal with prejudice.

Second, Willis argues that the district court abused its discretion by dismissing her complaint when she was “actively engaged in the case, attended mediation [remotely], communicated consistently, and requested reasonable remote accommodations due to overseas obligations.” But plaintiffs—even pro se ones—do not get to pick and choose the court orders they wish to comply with. Attending mediation did not relieve Willis of her discovery obligations and complying with the court’s orders.

And third, Willis asserts that the district court’s decision to require her in-person deposition was “procedural[ly] bias[ed]” and unfair such that we should reverse and remand. But Willis did not give good cause for why she had to appear remotely. So, there was no abuse of discretion in denying relief. And aside from Willis skipping her deposition, the district court dismissed the complaint because, despite repeated warnings and orders, Willis did not answer Lockheed’s interrogatories, she did not fully produce the requested documents, she did not provide her address, and she did not respond to the court’s orders to show cause. *See, e.g., Malautea v. Suzuki Motor Co.*, 987 F.2d 1536, 1542–45 (11th Cir. 1993) (affirming a default judgment against the defendants for deliberately withholding discoverable information in violation of court orders).

CONCLUSION

Because the district court did not abuse its discretion in dismissing Willis's complaint with prejudice, we affirm.¹

AFFIRMED.

¹ We DENY Willis's motion to supplement the record. Exhibits B, D, F, and G are outside the record on appeal. See Fed. R. App. P. 10(e); *Young v. City of Augusta ex rel DeVaney*, 59 F.3d 1160, 1168 (11th Cir. 1995). And Exhibits A, C, E, H, I, and J are already within the record on appeal. See Fed. R. App. P. 10(a).