IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL H. GOVIND, Plaintiff, vs. WARDEN FELKER, D. L. RUNNELS, and M. MCDONALD, Defendants	No. 2:06-CV-02467 ODW Consolidated with 2: 08-CV-1183-ODW **ORDER**

Plaintiff Daniel H. Govind requests a stay of this action because he "is not in good health and has a heavy burden on his shoulder (sic) attending school and preparing for his examine. (sic)" (See document number 74, filed July 5, 2011.) Apparently Plaintiff has failed to note, or fails to appreciate the import of the **Dismissal of this Action** [73] entered June 27, 2011.

Even if the court were to construe Plaintiff's most recent filing as a request for reconsideration, which it clearly is not, that motion would be denied. The primary basis for the dismissal was Plaintiff's refusal, following repeated admonitions, to cooperate with discovery. Even now, Plaintiff continues to justify his refusal to cooperate with discovery by stating that "[h]e also informed the court and Williams and Associates that he will not take part in Deposition or Answer

any questions, because everything has been said in petitions (sic) civil rights claim." (Motion For Stay Until December 2011 Without Prejudice to Either Party " page 1, [74].

It is clear to the court that Plaintiff intends to maintain the stance which resulted in this case being dismissed in the first place, therefore there are no grounds for the court to reconsider its initial dismissal for refusal to participate in discovery.

Plaintiff is instructed that this matter is now closed and he is to make no further filings in this case. He is free at this point to seek review of this dismissal by filing an appeal to the Ninth Circuit Court of Appeals. Plaintiff's attention is directed to Federal Rules of Appellate Procedure, Rule 4 which provides in part:

> "In a civil case, except as provided in Rules . . . 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after the judgment or order appealed from is entered."
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> Rule 4(c) provides:
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> "If an inmate confined in an institution files a notice of appeal in either a civil or criminal case, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing. If an institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule."

The request for stay is DENIED as moot. This case is and remains dismissed and the matter closed.

DATED: July 8, 2011

OTIS D. WRIGHT, II, DISTRICT JUDGE