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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ELONZA JESSE TYLER,
Plaintiff,
v.
MIKE E. KNOWLES and LORI
JOHNSON,
Defendants.

Case No. 2:08-cv-02222-ODW

**ORDER:
DISMISSING ACTION**

I. INTRODUCTION

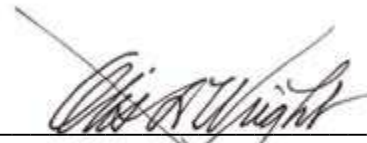
Elonza Jesse Tyler, a California prisoner, filed this action pro se and in forma pauperis on September 19, 2008, alleging that several employees and officers of the California Department of Corrections and Rehabilitation violated his rights under the Americans with Disabilities Act. On December 30, 2010, this Court granted Defendants' motion seeking to have Tyler declared a vexatious litigant under California Civil Procedure Code section 391(b)(1)(i) and Eastern District of California Local Rule 65.1-151(b), on the basis that he had filed at least seven actions that were determined adversely against him in the seven years immediately preceding this action. (ECF No. 35.) As a result, the Court ordered that Tyler (1) was required thereafter to seek leave of the presiding judge before filing any new litigation; and (2)

1 must furnish an \$850 security for the benefit of Defendants in this action as a
2 precondition to continuing with this case. (*Id.*)

3 Initially Tyler appealed that order but on February 5, 2014 voluntarily
4 dismissed his appeal [DE 67.] The court's November 13, 2012 order requiring the
5 posting of \$850 security remains a condition to maintaining this litigation. It has not
6 been paid and over a year has passed. It is the Plaintiff's responsibility to diligently
7 prosecute his case. He has not done so and accordingly, this court orders this matter
8 dismissed.

9 **IT IS SO ORDERED.**

10
11 February 19, 2014

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14 **OTIS D. WRIGHT, II**
15 **UNITED STATES DISTRICT JUDGE**
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