

1 SOL Litigation Coordinator stating that plaintiff was still located at SOL. (ECF No. 26-2.)

2 Defendant also filed a declaration from the Mailroom Supervisor at SOL which states that service
3 and re-service of the DSO were returned undeliverable due to plaintiff refusing mail from the
4 court. (ECF No. 26-1.)

5 On September 27, 2021, the court issued an order in which the court informed the plaintiff
6 that an inability to comply with deadlines set by the court was not “a permissible reason to refuse
7 receipt of legal mail.” (ECF No. 27 at 3.) The court warned plaintiff that “continued refusal to
8 accept legal mail will be seen as plaintiff being unable to proceed with this action and a failure by
9 plaintiff to comply with court orders” and cautioned the plaintiff that “failure to comply with
10 court orders will result in a recommendation that this action be dismissed.” (*Id.*) Court records
11 show that service of this order, as well as two more attempts to re-serve this order, were returned
12 undeliverable.

13 Starting on July 12, 2021, orders sent to the plaintiff by legal mail have been returned
14 undeliverable a total of seven times so far. Specifically, this occurred on July 12, 2021, July 26,
15 2021, August 17, 2021, August 20, 2021, October 12, 2021, October 14, 2021, and October 26,
16 2021. Of these occurrences, three specifically state that the reason the order was returned
17 undeliverable is that delivery was “refused”.

18 Under Local Rule 110, “[f]ailure of counsel or of a party to comply with these Rules or
19 with any order of the Court may be grounds for imposition by the Court of any and all sanctions
20 authorized by statute or Rule or within the inherent power of the Court.” Plaintiff plainly does
21 not intend to proceed with prosecuting this action. See Morris v. Modhaddam, et al., 2:18-cv-
22 2850, 2020 WL 5658334, *2 (E.D. Cal. 2020) (finding that by repeatedly refusing to accept legal
23 mail, plaintiff makes clear that he does not intend to prosecute the action). By repeatedly refusing
24 legal mail, plaintiff has effectively blocked all communication from the court. By his own
25 admission, plaintiff has done this to avoid complying with deadlines set by court order. Given the
26 above, the court will recommend that this action be dismissed for failure to prosecute and failure
27 to comply with comply with court orders.

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