

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PERCY LAVAE BACON,  
Plaintiff,  
vs.  
OSWALD REYES, et al.,  
Defendants.

Case No. 2:12-cv-01222-JCM-VCF

**ORDER**

Presently before the court is *pro se* plaintiff Percy Bacon's motion to set aside the clerk's judgment. (Doc. # 152). The state defendants have filed a motion to strike in response. (Doc. # 154).

Plaintiff's motion essentially challenges an order entered by this court granting defendants' motion to dismiss based on preclusion and failure to exhaust his administrative remedies. (*See* doc. # 144). After the entry of that order, plaintiff filed an appeal which was dismissed by the Ninth Circuit as "so insubstantial as to not warrant further review." (*See* doc. # 148).

In response, plaintiff has filed the instant motion. Once again, plaintiff has failed to comply with the screening requirements previously imposed on him. (*See* doc. ## 98, 111, 113, 144). As indicated in each of those orders, plaintiff was advised that failure to comply would result in the court striking any non-conforming document.

The court has grown exceedingly weary of this plaintiff's endless filings. As indicated in the order dismissing this case, plaintiff had at that time "filed over 60 motions on a docket that consists of only 143 entries. In addition, he has filed countless responses and replies which the court has been forced to sift through. Most are duplicative and incomprehensible; all are without merit." (Doc. # 144,

1 p. 3). The number of entries has only grown since the issuance of that order; the instant motion is  
2 simply another re-hashing of an argument that has been repeatedly rejected.

3 It is abundantly clear that this plaintiff simply refuses to take “no” for an answer. The court  
4 declines to accept defendants’ invitation to refer plaintiff to correctional authorities for institutional  
5 disciplinary violations at this time. However, plaintiff should take this order as a final warning that  
6 another frivolous or non-complying motion will result in the court’s reconsidering defendants’  
7 invitation.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants’ motion to strike  
10 (doc. # 154) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED that plaintiff’s motion to set aside judgment (doc. # 152) be, and  
12 the same hereby is, STRICKEN.

13 DATED April 8, 2014.

14

15

  
UNITED STATES DISTRICT JUDGE

16

17

18

19

20

21

22

23

24

25

26

27

28