

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MIKE JAYNE,

11 Plaintiff,

No. 2: 11-cv-1448 GEB KJN P

12 vs.

13 DONALD VAN BUSKIRK, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 Two recent court orders were served on plaintiff's address of record and returned
17 by the postal service with the notation that delivery had been refused. (Dkt. Nos. 16, 17.) The
18 Clerk of the Court re-served these orders on plaintiff. The orders were again returned with the
19 notation that delivery had been refused.


20 Based on plaintiff's repeated refusal to accept orders properly served on him, the
21 undersigned recommends that this action be dismissed.

22 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
23 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

24 These findings and recommendations are submitted to the United States District
25 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
26 one days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's
2 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 DATED: December 30, 2011

6
7 
8 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

9 ja1448.33