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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD R. SANTOS,)	
)	
Plaintiff,)	Case No. 2:11-cv-01251-KJD-NJK
)	
vs.)	<u>ORDER</u>
)	
AWD ISIDRO BACA, et al.,)	
)	
Defendants.)	

Pending before the Court is Plaintiff’s Motion for Order to Carry Out Service. Docket No. 46. Defendants did not file a response. *See* Docket. By operation of Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute consent to the granting of the motion.” The Court finds this motion properly resolved without oral argument. *See* Local Rule 78-2.

Plaintiff, an inmate in solitary confinement, is proceeding in this action *pro se*, but not *in forma pauperis*. On May 24, 2013, the Court entered an order directing Plaintiff to make arrangements to serve the remaining defendants for whom the Attorney General did not accept service. Docket No. 22, at 1. On May 21, 2014, Plaintiff requested the Court appoint a private investigator to serve: Sgt. Ferguson, J. Mohlenkamp, Misail Palaylay, A. Scillia, Lt. Schaff, Howard Skolnik, Yo Camacho, and Yo Carabajal. Docket No. 41, at 2. On August 19, 2014, the Court entered an order denying Plaintiff’s request for appointment of a private investigator. Docket No. 47.

...

1 Pursuant to Federal Rule of Civil Procedure 4(c)(3), “[a]t the plaintiff’s request, the court may
2 order that service be made by a United States marshal.” On June 11, 2014, Defendants filed, under seal,
3 the last-known addresses for the following Defendants: Schaff, Scilia, Camacho, Carbajal, Ferguson,
4 and Skolnik. Docket No. 43. Defendants did not, however, provide the last-known address of Palaylay.
5 See Docket No. 43. The Court directs Defendants to file, under seal, the last-known address of
6 Defendant Palaylay.

7 Defendants represent that they do not have a last-known address on file for Mohlenkamp. *Id.*,
8 at 2. Defendants further represent that the Nevada Department of Corrections’ records reflect that
9 Mohlenkamp appears to have left the Nevada Department of Corrections to become employed at the
10 Nevada Department of Administration. *Id.*, at 2. The Court directs the U.S. Marshals Service
11 (“USMS”) to serve the custodian of records for the Nevada Department of Administration with a
12 subpoena *duces tecum* to require the Nevada Department of Administration to disclose Defendant
13 Mohlenkamp’s last-known address to the USMS so it may attempt service on Defendant Mohlenkamp.
14 Plaintiff is responsible for the fees for the service of process by the USMS.

15 Based upon the foregoing,

16 **IT IS SO ORDERED:**

- 17 1. The Clerk of the Court shall use the information provided by Defendants, under seal, in
18 Docket No. 43, to issue summons on the following Defendants: Schaff, Scilia, Camacho,
19 Carbajal, Ferguson, and Skolnik.
- 20 2. The Clerk of the Court shall deliver the summons for Defendants Schaff, Scilia,
21 Camacho, Carbajal, Ferguson, and Skolnik and the Second Amended Complaint to the
22 USMS.
- 23 3. Within thirty days of this Order, the USMS shall attempt to serve the summons and
24 Second Amended Complaint on the following Defendants: Schaff, Scilia, Camacho,
25 Carbajal, Ferguson, and Skolnik. The USMS shall provide Plaintiff with a Form USM-
26 285 (without listing Defendants’ addresses) indicating whether service was effected for
27 each Defendant.
- 28 4. If the USMS is unable to serve Defendants Schaff, Scilia, Camacho, Carbajal, Ferguson,

1 or Skolnik, and Plaintiff wishes to have service again attempted, a motion shall be filed
2 with the Court specifying a more detailed name and/or address for said defendant, or
3 whether some other manner of service should be attempted. Pursuant to Rule 4(m) of
4 the Federal Rules of Civil Procedure, service shall be accomplished within 120 days
5 from the date this order is entered.

- 6 5. The Clerk of the Court shall issue a subpoena *duces tecum* to the Custodian of Records
7 at the Nevada Department of Administration directing the custodian provide the last-
8 known address of Defendant Jeffrey Mohlenkamp.
- 9 6. The Clerk of the Court shall deliver the subpoena *duces tecum*, Second Amended
10 Complaint, and a copy of this Order to the USMS.
- 11 7. The USMS shall serve the subpoena *duces tecum* as well as a copy of this Order on the
12 Custodian of Records for the Nevada Department of Administration.
- 13 8. The Custodian of Records shall respond to the subpoena *duces tecum* within fourteen
14 days of receipt. The Custodian shall provide its response to the USMS, and the USMS
15 shall submit to the Clerk of the Court, under seal, Defendant Mohlenkamp's last-known
16 address. The Clerk of the Court shall retain Defendant Mohlenkamp's last-known
17 address under seal.
- 18 9. No later than three days after the receiving Defendant Mohlenkamp's last-known
19 address, the Clerk of the Court shall issue summons on Defendant Mohlenkamp and
20 deliver the summons to the USMS.
- 21 10. Within thirty days after receiving the summons for Defendant Mohlenkamp from the
22 Clerk of the Court, the USMS shall attempt to serve the summons and Second Amended
23 Complaint on Defendant Mohlenkamp. The USMS shall provide Plaintiff with a Form
24 USM-285 (without listing Defendant Mohlenkamp's address) indicating whether service
25 was effected.
- 26 11. If the USMS is unable to serve Defendant Mohlenkamp, and Plaintiff wishes to have
27 service again attempted on Defendant Mohlenkamp, a motion shall be filed with the
28 Court specifying a more detailed name and/or address for said defendant, or whether

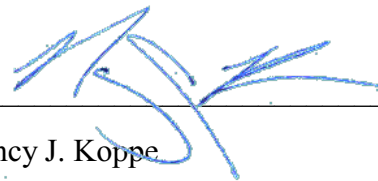
1 some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal
2 Rules of Civil Procedure, service shall be accomplished within 120 days from the date
3 this order is entered.

4 12. Defendants shall file, under seal, the last-known address of Defendant Palaylay. If
5 Defendants do not have the last-known address of Defendant Palaylay, and Plaintiff
6 wishes to have service attempted on Defendant Palaylay, a motion shall be filed with the
7 Court specifying a more detailed name and/or address for said defendant, or whether
8 some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal
9 Rules of Civil Procedure, service shall be accomplished within 120 days from the date
10 this order is entered.

11 13. Plaintiff shall file the Forms USM-285 within ten days after receiving them from the
12 USMS.

13 14. Plaintiff is responsible for paying the USMS the fees for service of process on all
14 Defendants.

15 Dated: August 27, 2014

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Nancy J. Koppe

21 United States Magistrate Judge
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