UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MILTON O. CRAWFORD, Plaintiff, vs. SMITH'S FOOD AND DRUG STORE, et. al., Defendant,	2:12-cv-00122-GMN-GWF **ORDER** Motion for Ruling (#43) Motion Initiating Scheduling Meeting (#44)

This matter comes before the Court on Plaintiff's Motion Requesting Ruling (#43) and Motion Initiating Scheduling Meeting (#44), filed on August 22, 2012. Plaintiff requests the Court allow him to proceed with his claim of Family Medical Leave Act (FMLA). Plaintiff argues that this claim was included in his Amended Complaint (#16), but the Court never addressed it in its Report and Recommendation (#15). The Court notes that its Report and Recommendation (#15) was issued on May 10, 2012. Since that time, Plaintiff has filed several pleadings with the Court, but has not brought his alleged FMLA claim to the Court's attention until now. Defendants have already filed its Answer (#36), and the time for additional screening of the Amended Complaint (#16) has past. If Plaintiff wishes to assert a claim under the FMLA, Plaintiff needs to file a motion for leave to amend his complaint in accordance with LR 15-1 and Fed. R. Civ. Pro. 15.

Plaintiff also filed a Motion Initiating Scheduling Meeting (#44). It appears Plaintiff believes the filing of this motion fulfills his requirement to initiate the 26(f) conference under LR 26-1. This belief is improper. Only after the parties have met and conferred regarding discovery should the proposed discovery plan and scheduling order be filed with the Court. The Court will

therefore strike Plaintiff's motion as improper. In the interest efficiently moving this case forward, the Court however will conduct a pre-trial discovery conference in this case to discuss discovery matters with the parties. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion Requesting Ruling (#43) is **denied**.

IT IS FURTHER ORDERED that Plaintiff's Motion Initiating Scheduling Meeting (#44) is **stricken**.

IT IS FURTHER ORDERED that a Pre-trial Discovery Conference is set for **Friday, September 7, 2012 at 10:30 a.m.** in Las Vegas Courtroom 3A before the undersigned Magistrate Judge.

DATED this 24th day of August, 2012.

George Foley Jr.

GEORGE FOLEY, JR.
United States Magistrate Judge