

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3	JACK FERM,	)	
4		)	Case No.: 2:12-cv-00782-GMN-PAL
5	Plaintiff,	)	
6	vs.	)	<b>ORDER ACCEPTING REPORT &amp;</b>
7	COLLEEN MCCARTY, et al.,	)	<b>RECOMMENDATIONS OF MAGISTRATE</b>
8	Defendants.	)	<b>JUDGE PEGGY A. LEEN</b>
9		)	(ECF Nos. 109, 112, 113, 114, 115, 116 and 118)

10 Before the Court for consideration are the Reports and Recommendations (ECF Nos. 109,  
11 112, 113, 114, 115, 116 and 118) of the Honorable Peggy A. Leen, United States Magistrate  
12 Judge, entered January 28, 2013 (ECF No. 109), January 29, 2013 (ECF Nos. 112, 113, 114, 115  
13 and 116), and January 31, 2013 (ECF No. 118). No objections have been filed to any of the  
14 Reports and Recommendations. The Court has reviewed the pleadings on file herein, and hereby  
15 determines that Magistrate Judge Leen’s Recommendations with regard to ECF Nos. 109, 112,  
16 113, 114, 115, 116 and 118 should be **ACCEPTED**.

17 **IT IS THEREFORE ORDERED that ECF Nos. 109, 112, 113, 114, 115, 116 and 118,**  
18 **are ACCEPTED in their entirety, and the same are hereby ORDERED, as follows:**

19 **ECF No. 109 (Mtn to Dismiss – Dkt. #10) –**

- 20 1. Defendants’ Motion to Dismiss (ECF No. 10) is **GRANTED in part consistent with**  
21 **the body of Judge Leen’s Order and the Report and Recommendation (ECF No. 109).**
- 22 2. Plaintiff’s First Amended Complaint (ECF No. 5) is **DISMISSED with leave to**  
23 **amend.**
- 24 3. Plaintiff is granted leave to file a **Second Amended Complaint** that complies with  
25 **Rule 8 of the Federal Rules of Civil Procedure no later than February 28, 2013, if he believes**

1 he can correct the noted deficiencies.

2 4. Plaintiff is advised that the Second Amended Complaint must be a complete  
3 document in and of itself, and will supersede the original Complaint (ECF No. 1) in its entirety.  
4 Any allegations, parties, or requests for relief from prior papers that are not carried forward in the  
5 First Amended Complaint will no longer be before the Court.

6 5. Plaintiff is required to clearly title the Second Amended Complaint as such by  
7 placing the words “SECOND Amended Complaint” on page 1 in the caption, and Plaintiff is  
8 required to place the case number, **2:12-cv-00782-GMN-PAL** above the words “SECOND  
9 AMENDED” in the space for “Case No.”

10 6. Plaintiff is expressly cautioned that if he does not timely file a Second Amended  
11 Complaint in compliance with this Order, this case will be immediately dismissed.

12 **ECF No. 112 (Mtn for Preliminary Injunction – Dkt. #22)** –

13 Plaintiff’s Motion for Preliminary Injunction (ECF No. 22) is hereby **DENIED**.

14 **ECF No. 113 (Mtn for Default Judgment – Dkt. #54)** –

15 Plaintiff’s Motion for Default Judgment (ECF No. 54) is **DENIED**.

16 **ECF No. 114 (Mtn for Summary Judgment – Dkt. #16)** –

17 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 16) is **DENIED, without**  
18 **prejudice.**

19 **ECF No. 115 (Mtn for Summary Judgment – Dkt. #23)** –

20 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 23) is **DENIED, without**  
21 **prejudice.**

22 **ECF No. 116 (Mtn for Summary Judgment – Dkt. #31)** –

23 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 31) is **DENIED, without**  
24 **prejudice.**

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