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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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JEDEDIAN BELLOT,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a political subdivision of Clark County, Nevada; DOUGLAS C. GILLESPIE, in his official capacity as Sheriff of the Las Vegas Metropolitan Police Department; MARC VISKOC, individually and in his official capacity as a Police Officer with the Las Vegas Metropolitan Police Department; Police Officer DOES 1 through 10, inclusive, and ROE CORPORATIONS 1 through 10, inclusive,

Defendants.

2:13-cv-00060-APG-VCF

**ORDER**

**(Motion to Compel #13, Motion for Attorney Fees #14, and Motion to Withdraw as Attorney #15)**

18 Before the Court is Defendants Las Vegas Metropolitan Police Department, a political  
19 subdivision of Clark County, Nevada; Douglas C. Gillespie, in his official capacity as Sheriff of the Las  
20 Vegas Metropolitan Police Department's (hereinafter "Defendants") Motion to Compel. (#13). No  
21 opposition was filed.

22 Also before the Court is Defendants' Motion for Attorney Fees and Costs. (#14)<sup>1</sup>. No  
23 opposition was filed.

24 Also before the Court is Plaintiff Jedediah Bellot's Counsel's Motion to Withdraw As Attorney  
25 of Record. (#15). No opposition was filed.

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<sup>1</sup>On May 15, 2013, Defendants filed a single document titled "Motion to Compel and Award of Costs and Fees." In accordance with Special Order 109, the document was split into two Motions addressing each request for relief individually. This order will refer to both Motions collectively as Defendants' Motion to Compel (#13).

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2 **I. Background**

3 Plaintiff Bellot brought this action against Defendants on December 17, 2012, in the Eighth  
4 Judicial District Court, Clark County, Nevada, relating to Plaintiff's arrest and subsequent  
5 imprisonment. *Id.* In the complaint, Plaintiff asserts claims for (1) violation of 42 U.S.C. § 1983, (2)  
6 false arrest, (3) false imprisonment, (4) intentional infliction of emotional distress, (5) civil conspiracy,  
7 and (6) negligent hiring, training, supervision, and control, and seeks damages in excess of \$10,000. *Id.*  
8 On January 14, 2013, Defendants removed the action to this Court based on federal question  
9 jurisdiction, pursuant to 28 U.S.C. § 1343. *Id.*

10 On February 5, 2013, the Court signed the Discovery Plan and Scheduling Order, setting the  
11 deadline for discovery on July 15, 2013, Dispositive Motions on August 14, 2013, and a Proposed Joint  
12 Pretrial Order on September 13, 2013. (#8). On May 16, 2013, Defendants filed the present Motion to  
13 Compel (#13), stating that "Plaintiff has outright refused to answer the written discovery served upon  
14 him and due well over two months ago." (#13). Defendants aver that they have attempted to remind  
15 Plaintiff "of his obligations to respond" to the discovery requests by written letter on March 8, and April  
16 23, 2013, and by telephone on April 10, and May 15, 2013; however, "[t]o date, Plaintiff still has not. . .  
17 made any attempt to contact defense counsel. . . regarding the overdue discovery." *Id.* Defendants also  
18 request that, pursuant to Rule 37(a)(5) of the Federal Rules of Civil Procedure, if the Court grants  
19 Defendants' Motion to Compel (#13), it should also award "reasonable expenses, including attorneys'  
20 fees" to Defendants. *Id.* Responses to Defendants' Motion (#13) were due by June 2, 2013, but no  
21 opposition was filed against either request for relief. *Id.*

22 On May 30, 2013, Plaintiff's Counsel filed a Motion to Withdraw as Attorney. (#15). Plaintiff's  
23 Counsel made this request because Counsel "cannot fully represent this client due to his lack of  
24 cooperation with [Counsel's] office." *Id.*  
25

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2 **II. Discussion**

3 Pursuant to Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in  
4 response to any motion shall constitute a consent to the granting of the motion.” LR 7-2. With respect  
5 to the Motions presently before the Court (##13, 14, 15), neither party has filed any Responses. Plaintiff  
6 has failed to respond to Defendants’ discovery requests and has not shown the diligence expected of him  
7 in pursuit of his claim. The goal of all civil actions is to “secure the just, speedy, and inexpensive  
8 determination of every action and proceeding.” FED. R. CIV. P. 1. The Court therefore grants  
9 Defendants’ Motion to Compel (#13) and awards Defendants the attorney costs and fees associated with  
10 this Motion (#13). Plaintiff will have thirty (30) days from the signing of this Order to comply with  
11 Defendants’ discovery requests and to pay Defendants’ attorney costs and fees.

12 As Plaintiff refuses to cooperate with his Counsel by not participating in discovery, the Court  
13 sees no reason to require Counsel to remain retained in this action. Withdrawal of a party’s counsel,  
14 however, is not dispositive of the action, and Plaintiff must continue to adhere to the Federal Rules of  
15 Civil Procedure, including those governing discovery, as well as the Local Rules of this court. *See*  
16 *Jacobsen v. Filler*, 790 F.2d 1362, 1364-65 (9th Cir. 1986) (holding that pro se parties are not excused  
17 from following the rules and orders of the court). If Plaintiff fails to perform in accordance with this  
18 Order, the Court will presume that Plaintiff is no longer interested in pursuing his claim and will  
19 recommend dismissal of the action in full.

20 Accordingly and for good cause shown,

21 IT IS ORDERED that Defendants’ Las Vegas Metropolitan Police Department, a political  
22 subdivision of Clark County, Nevada; Douglas C. Gillespie, in his official capacity as Sheriff of the Las  
23 Vegas Metropolitan Police Department’s Motion to Compel (#13) and Motion for Attorney Fees and  
24 Costs (#14) are GRANTED.  
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2 IT IS FURTHER ORDERED that Plaintiff's Counsel's Motion to Withdraw as Attorney (#15) is  
3 GRANTED.

4 IT IS FURTHER ORDERED that:

- 5
- 6 1. Within thirty (30) days from the entry of this Order, Plaintiff Bellot must comply with  
7 Defendants' discovery requests as written.
  - 8 2. Within thirty (30) days from the entry of this Order, Plaintiff Bellot must pay \$665.00 to  
9 Defendants' Counsel for attorney costs and fees.
  - 10 3. The Court Clerk will mail a copy of this Order to Plaintiff Bellot at the following  
11 address:

12 JEDEDIAN BELLOT  
13 2320 Tucumcari Drive, #2027  
14 Las Vegas, NV 89108

15 DATED this 20th day of June, 2013.



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CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE