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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANCISCO ISLAS,

Plaintiff,

vs.

US BANK TRUST NATIONAL ASSOCIATION,

Defendant.

Case No. 2:13-cv-00379-LDG-PAL

ORDER

Before the court is Defendant’s Motion to Compel Discovery from Plaintiff (Dkt. #21). The court set the matter for hearing January 21, 2013. Kent Larson appeared on behalf of the Defendant, and the Plaintiff, who is represented by counsel, appeared in person. His counsel, David Bryce Finley, did not file a response to the motion, or appear at the hearing. The courtroom administrator’s two attempts to reach him at the number provided in the pleadings was unsuccessful, and the number disconnected after one ring.

The motion to compel sought an order compelling the Plaintiff to appear for his deposition, participate in discovery, and sanctions. Plaintiff failed to appear for a scheduled deposition and his counsel did not respond to repeated requests for personal consultation. The Plaintiff sent the court a letter (Dkt. #23) indicating that he was very upset because he had tried countless times to reach his attorney with no success. He wrote the letter after coming to the courthouse, reviewing the docket and learning this motion had been filed. During the hearing, Mr. Islas indicated that he had been attempting to reach his lawyer since July 2013. However, Mr. Finley has not responded to telephone calls and has not been in his office. Mr. Larsen also indicated that he had had no contact with Mr. Finley since July 2013. The motion to compel was filed because, although a motion to dismiss has been under

1 submission for a number of months, the discovery cutoff is set to expire. The Plaintiff requested an
2 opportunity to retain new counsel.

3 Having reviewed and considered the matter,

4 **IT IS ORDERED** that:

- 5 1. The Motion to Compel (Dkt. #21) is **DENIED without prejudice.**
- 6 2. All existing discovery plan and scheduling order deadlines are stayed until **March 4,**
7 **2014.**
- 8 3. Plaintiff shall have until **March 4, 2014**, in which to retain substitute counsel who shall
9 make an appearance in accordance with the Local Rules of Practice, or file a statement
10 with the court indicating he will be appearing pro se.
- 11 4. A status hearing is set for **Tuesday, March 25, 2014 at 9:30 a.m.** At the status hearing,
12 the court will hear from the parties regarding the discovery needed to prepare this case
13 for trial, and enter an adjusted discovery plan and scheduling order.

14 Dated this 22nd day of January, 2014.

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17 Peggy A. Lear
18 United States Magistrate Judge
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