

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CODY LEAVITT,
#1030147,

Plaintiff,

vs.

HAROLD WICKHAM, *et al.*

Defendants.

2:13-cv-00490-GMN-CWH

ORDER

The Court having been advised that the case has not been resolved during the stay, this prisoner civil rights action shall proceed forward. On the showing made in the pauper applications (## 22 & 27), the Court finds that plaintiff is unable to pay a substantial initial partial filing fee toward the full filing fee pursuant to 28 U.S.C. § 1915(b)(1), and the applications therefore will be granted as set forth herein.

IT THEREFORE IS ORDERED THAT:

1. Plaintiff's applications (## 22 & 27) to proceed *in forma pauperis* are **GRANTED**. Plaintiff shall not be required to pay an initial partial filing fee. However, even if this action is dismissed, the full filing fee still must be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at government expense.

3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account, in the months that the account exceeds \$10.00, until the full filing fee has been paid for this action. **The Clerk of the Court shall SEND a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also SEND a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.**

4. The stay previously entered herein is lifted and that, within **twenty-one (21) days** of

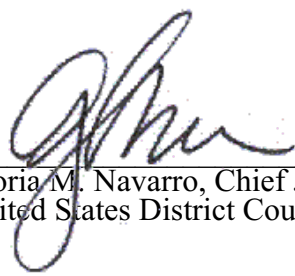
1 entry of this order, the Attorney General's Office shall file a notice advising the Court and plaintiff of:
2 (a) the names of the defendant(s) for whom it accepts service; (b) the names of the defendant(s) for
3 whom it does **not** accept service, **and** (c) the names of the defendant(s) for whom it is filing
4 last-known-address information under seal. As to any of the named defendant(s) for whom the Attorney
5 General's Office cannot accept service, the Office shall file, under seal, the last known address(es) of
6 those defendant(s) for whom it has such information.

7 5. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
8 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full
9 name for the defendant(s). For the defendant(s) as to which the Attorney General has not provided
10 last-known-address information, plaintiff shall provide the full name and address for the defendant(s).

11 6. If the Attorney General accepts service of process for any named defendant(s), such
12 defendant(s) shall file and serve an answer or other response to the remaining claims within **sixty (60)**
13 **days** from the date of this order.

14 7. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered
15 by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
16 consideration by the Court. Plaintiff shall include with the original paper submitted for filing a
17 certificate stating the date that a true and correct copy of the document was mailed to the defendants or
18 counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff shall direct
19 service to the individual attorney named in the notice of appearance, at the address stated therein. The
20 Court may disregard any paper received by a district judge or magistrate judge which has not been filed
21 with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to
22 include a certificate showing proper service.

23 DATED this 21st day of March, 2014.

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Gloria M. Navarro, Chief Judge
United States District Court
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