UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONNIE EDWARDS,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, *et al*.

Defendants.

Case No. 2:13-cv-01316-JAD-CWH

ORDER

This matter is before the Court on Defendant Las Vegas Metropolitan Police Department's ("LVMPD") Motion to Amend/Correct an Order (doc. # 52), filed January 27, 2015. Also before the Court is Plaintiff Ronnie Edward's ("plaintiff") Notice of Served and Unserved Defendants (doc. # 53), filed January 28, 2015.

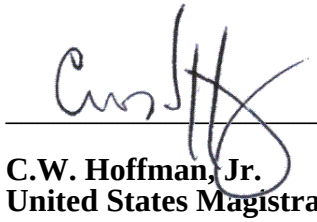
The LVMPD asks this Court to amend its prior order (doc. # 49) to reflect that defending LVMPD officers in this case still have not been served, and to arrange to have service of process effectuated. This Court denies the LVMPD's request. The record reveals that LVMPD, through counsel, was served with summons specifying the names of each of the LVMPD's defending officers, along with a copy of Plaintiff's complaint, by the U.S. Marshals Service. The record also reveals that LVMPD, through counsel, consented to accept service of process for all defending officers except Officer Mitchell ("Mitchell"). The Court construes this consent as acceptance of service under Rule 4(d) of the Federal Rules of Civil Procedure, and finds that service of process is complete as to defending officers Hightower, Scott, and Reyes. This finding comports with Rule 4(d)(1), which makes clear that "an individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a **duty to avoid unnecessary expenses of serving the summons**." Fed.R.Civ.P. 4(d)(1) (emphasis added).

Meanwhile, the Court notes it inadvertently stated that defendant Scott, as opposed to Mitchell, was not yet served in the instant case. The Court therefore amends its previous order to reflect that Mitchell has not yet been served, and to direct plaintiff to provide further information regarding Mitchell, including full name and address, if plaintiff wishes to effect service for this defendant.

Accordingly, **IT IS HEREBY ORDERED** that the LVMPD's Motion to Amend/Correct an Order (doc. # 52) is **denied**.

IT IS FURTHER ORDERED that plaintiff shall, **no later than February 20, 2015**, provide the full name and address for Mitchell in a motion requesting issuance of summons, if plaintiff wishes this defendant to be served.

DATED: January 29, 2015



C.W. Hoffman, Jr.
United States Magistrate Judge