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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 JOSEPH EUGENE PIOVO,
9 Plaintiff,

10 vs.

11 ROBERT STONE, *et al.*,
12 Defendants.
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Case No. 2:13-cv-01922-APG-GWF

ORDER

Motion for Court's Assistance - #15

14 This matter comes before the Court on Plaintiff's Motion for Court's Assistance (#15), filed
15 on December 23, 2013. Plaintiff seeks an order directing the United States Office of Probation to
16 release Defendant Robert Stone's current address, because Plaintiff's attempts to locate Stone for
17 the purposes of service have been unsuccessful. Plaintiff represents that Defendant Stone was
18 sentenced to 5 years' probation on March 16, 2010 in *United States v. Stone*, case no. 2:09-cr-
19 00216-JCM-PAL.

20 Local Rule of Criminal Practice 32-2(a) provides that supervision records are confidential
21 unless permission to distribute them is granted by a district judge, magistrate judge, or chief
22 probation officer. Disclosure of supervision records for purposes other than sentencing "shall be
23 made only upon written application accompanied by [...] a description of the records sought, an
24 explanation of their relevance to the proceedings, and a statement of the reasons why the
25 information [...] is not readily available from other sources[.]" LCR 32-2(c)(1). The Court
26 construes the instant Motion as an application pursuant to LCR 32-2. Plaintiff represents he has
27 been unable to find Stone to serve him, and seeks disclosure of the address Stone has on file with
28 the Probation Office for this purpose. The Court finds Plaintiff has adequately described the

1 information needed and explained why the information is both relevant and unavailable elsewhere.
2 Therefore, the Court will order the U.S. Probation Office to release Stone's address to Plaintiff.

3 Plaintiff filed this Motion *ex parte*. An *ex parte* motion or application is one that is filed
4 with the Court, but is not served upon the opposing or other parties. See Local Rule 7-5(a). All *ex*
5 *parte* motions must contain a statement showing good cause why the matter was submitted to the
6 Court without notice to all parties. See Local Rule 7-5(b). *Ex parte* and emergency motions are
7 distinct. Motions may be submitted *ex parte* only for compelling reasons, and not for emergency
8 motions. See Local Rule 7-5(b). Emergency motions must be so titled, must state the nature of the
9 emergency, and must certify that good-faith efforts were made to resolve the dispute without Court
10 action. See Local Rule 7-5(d)(1)-(3). Plaintiff makes no statements that show good cause for either
11 an *ex parte* or emergency designation for the Motion. Accordingly,

12 **IT IS HEREBY ORDERED** that the Clerk of the Court shall unseal Plaintiff's Motion for
13 Court's Assistance (#15).

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall cause the Motion (#15) to
15 be served on all parties in this matter.

16 **IT IS FURTHER ORDERED** that the Clerk of the Court shall serve a copy of the Motion
17 for Court's Assistance (#15) on the United States Office of Probation.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court shall serve a copy of this Order
19 on the United States Office of Probation.

20 **IT IS FURTHER ORDERED** that the United States Office of Probation shall file the
21 address Defendant Robert Stone has on file for his period of probation as relates to *USA v. Stone*,
22 case no. 2:09-cr-00216-JCM-PAL, within 7 days of the date of this Order.

23 DATED this 16th day of January, 2014.

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26 GEORGE FOLEY, JR.
27 United States Magistrate Judge
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