

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL FOLEY,)	
)	
Plaintiff,)	Case No. 2:14-cv-00094-RFB-NJK
)	
vs.)	
)	ORDER
LOREA AROSTEGUI, et al.,)	
)	(Docket No. 6)
Defendants.)	

Plaintiff Michael Foley is proceeding in this action *pro se* and, on March 10, 2014, the Court granted Plaintiff's application to proceed *in forma pauperis*. Docket No. 4. The Court dismissed all claims without prejudice, with leave to amend, except for Plaintiff's First Amendment claim to petition for government redress. *Id.* Plaintiff filed his Amended Complaint on April 10, 2014. Docket No. 6. A hearing was held on December 9, 2014, regarding the Amended Complaint. *See* Docket No. 19. For the reasons stated in the hearing, the Court finds that Plaintiff has sufficiently alleged a claim for purposes of screening the Amended Complaint.¹

...
...
...

¹ Because the Court finds that Plaintiff states a claim for the purposes of screening, it does not address whether additional aspects of the Amended Complaint are actionable. Nothing in this Order should be construed as precluding Defendants from filing a motion to dismiss as to any of the claims alleged.

1 Based on the foregoing and good cause appearing, therefore,

2 **IT IS ORDERED** that:

3 1. The Clerk of the Court shall issue Summons to Defendants, and deliver the same to
4 the U.S. Marshal for service. Plaintiff shall have twenty days in which to furnish the
5 U.S. Marshal with the required Form USM-285. Within twenty days after receiving
6 from the U.S. Marshal a copy of the Form USM-285, showing whether service has
7 been accomplished, Plaintiff must file a notice with the court identifying whether
8 defendants were served. If Plaintiff wishes to have service again attempted on an
9 unserved defendant, a motion must be filed with the court identifying the unserved
10 defendant and specifying a more detailed name and/or address for said defendant, or
11 whether some other manner of service should be attempted. Pursuant to Rule 4(m)
12 of the Federal Rules of Civil Procedure, service must be accomplished within 120
13 days from the date this Order is entered.

14 2. From this point forward, Plaintiff shall serve upon Defendants, or, if appearance has
15 been entered by counsel, upon the attorney(s), a copy of every pleading motion or
16 other document submitted for consideration by the court. Plaintiff shall include with
17 the original papers submitted for filing a certificate stating the date that a true and
18 correct copy of the document was mailed to the defendants or counsel for the
19 Defendants. The Court may disregard any paper received by a District Judge or
20 Magistrate Judge which has not been filed with the Clerk, and any paper received by
21 a District Judge, Magistrate Judge, or the Clerk which fails to include a certificate of
22 service.

23 Dated: December 9, 2014

24
25 
26 _____
27 NANCY J. KOPPE
28 UNITED STATES MAGISTRATE JUDGE