

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

* * *

TANYA JOHNSON,

Plaintiff,

v.

DEPARTMENT OF THE AIR FORCE, et al.,

Defendants.

Case No. 2:14-cv-00631-RFB-NJK

ORDER


(Mot Defer ENE – Dkt. #22)

Before the court is the United States' Motion to Defer Early Neutral Evaluation Session (Dkt. #22). The United States asks the court to defer the early neutral evaluation session until the pending motion to dismiss, which raises the court's subject matter jurisdiction, is decided. The parties have not engaged in any discovery to date and the United States believes that participation in an ENE session would not be productive. As the ENE is currently set for February 4, 2015, the court will decide the motion without waiting for the Plaintiff's response.

The court has conducted a preliminary review of the motion to dismiss and finds it raises substantial questions about this court's subject matter jurisdiction. Additionally, Judge Koppe has now granted the United States' unopposed motion to stay discovery pending the outcome of the motion to dismiss. *See* Order (Dkt #21).

IT IS ORDERED, the Motion is **GRANTED**, and the ENE set for February 4, 2015 is **VACATED**.

DATED this 23rd day of January, 2015.


PEGGY A. FEEN
UNITED STATES MAGISTRATE JUDGE