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DISTRICT OF NEVADA

Estate of Clarence Gamble,

Plaintiff

v.

Francisco Sanchez, et al.,

Defendants

Case No.: 2:15-cv-00619-JAD-VCF

**Order Dismissing Unserved Defendants
and Closing Case**

Clarence Gamble brought this civil-rights action against the Southern Desert Correctional Center and various prison doctors, nurses, and officials, alleging that they delayed his access to necessary cataract surgery and thus caused permanent blindness in his left eye. Gamble has since passed away and his estate was substituted as the plaintiff in this case. I recently granted summary judgment in favor of defendants Dreesen, Williams, Aranas, and Gutierrez, and ordered Gamble's estate to show cause by August 8, 2022, why the claims against the remaining defendants Sanchez, Tracey, Stacy, and Weiler should not be dismissed for failure to serve, and warned the estate that failure to do so would result in dismissal of all remaining claims.¹ Gamble's estate did not respond by the deadline.

Federal Rule of Civil Procedure (FRCP) 4(m) requires service of the summons and complaint to be completed within 90 days of the complaint's filing, and "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time."² This case has been pending for more than six years

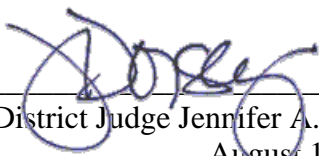
¹ ECF No. 121 at 12.

² Fed. R. Civ. Proc. 4(m).

1 and the remaining defendants haven't been served. The estate was warned that failure to do so
2 would result in the dismissal of the remaining claims, and it has yet failed to show cause why the
3 case should not be dismissed. So I dismiss the claims against the remaining defendants under
4 FRCP 4(m).

5 **Conclusion**

6 **IT IS THEREFORE ORDERED** that the claims against defendants Sanchez, Tracey,
7 Stacy, and Weiler are **DISMISSED without prejudice** under FRCP 4(m). Because no claims or
8 defendants remain, the Clerk of Court is directed to **ENTER JUDGMENT accordingly** and
9 **CLOSE THIS CASE.**

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12 U.S. District Judge Jennifer A. Dorsey
13 August 12, 2022
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