

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,
Plaintiff,
v.
NDOC, *et al.*,
Defendants.

Case No. 2:15-cv-00623-APG-GWF

ORDER

This matter is before the Court on Defendants Kyle Groover and Manuel Portillo's Motion for Pretrial Conference to Caution Plaintiff and for Instructions to Defendants (ECF No. 178), filed on May 23, 2017.

Defendants request a case management conference to caution Plaintiff against improper filings as well as an order that excuses Defendants from responding to Plaintiff's filings without being subject to Local Rule ("LR") 7-2(d) unless the Court directs them to respond. LR 7-2(d) states that the "failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion." Defendants argue that Plaintiff has "three strikes" under the Prison Litigation Reform Act for actions deemed to be frivolous, malicious, or failing to state a claim and that he engages in a pattern of filing improper documents causing Defendants to expend resources responding to such improper filings.

The district court possesses the inherent power to manage its docket. *Johnson v. Nevada*, 2016 WL 6156066, at *1 (D. Nev. Oct. 20, 2016); *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995) (recognizing the district court's inherent power and authority over the administration of its

1 business, to regulate the conduct of litigants who appear before it, and to promulgate and enforce
2 rules for the management of litigation). The Court denies Plaintiff's request for a case management
3 conference. Based upon the volume of Plaintiff's filings, the Court finds that there is sufficient
4 grounds to grant Defendants' request that they are not subject to the response consequences of LR
5 7-2(d) unless the Court instructs Defendants to respond. Accordingly,

6 **IT IS HEREBY ORDERED** that Defendants Kyle Groover and Manuel Portillo's Motion
7 for Pretrial Conference to Caution Plaintiff and for Instructions to Defendants (ECF No. 178) is
8 **granted**, in part, and **denied**, in part, as follows:

- 9 1. The Court denies Defendants' request for a case management conference.
- 10 2. The Court will pre-screen Plaintiff's filings and instruct Defendants to respond
11 where appropriate to do so. If the Court does not instruct Defendants to file a
12 response, failure to respond will not constitute a consent to granting of the motion.

13 DATED this 7th day of August, 2017.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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