

1 **II. CONCLUSION**

2 For the foregoing reasons, **IT IS ORDERED** that Plaintiff's motion to proceed (ECF No.
3 9) is **GRANTED**.

4 **IT IS FURTHER ORDERED** that, pursuant to the Court's screening order (ECF No. 8),
5 this action shall proceed on the Fourteenth Amendment claim relating to administrative
6 segregation against Defendants Neven, Nash, Fillman, Stroud, Treadwell, and Howell.

7 **IT IS FURTHER ORDERED** that, given the nature of the claim(s) that the Court has
8 permitted to proceed, this action is **STAYED** for ninety (90) days to allow Plaintiff and
9 Defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is paid, an
10 answer is filed, or the discovery process begins. During this ninety-day stay period, no other
11 pleadings or papers shall be filed in this case, and the parties shall not engage in any
12 discovery. The Court will refer this case to the Court's Inmate Early Mediation Program, and
13 the Court will enter a subsequent order. Regardless, on or before ninety (90) days from the
14 date this order is entered, the Office of the Attorney General shall file the report form attached
15 to this order regarding the results of the 90-day stay, even if a stipulation for dismissal is
16 entered prior to the end of the 90-day stay. If the parties proceed with this action, the Court
17 will then issue an order setting a date for Defendants to file an answer or other response.
18 Following the filing of an answer, the Court will issue a scheduling order setting discovery and
19 dispositive motion deadlines.

20 **IT IS FURTHER ORDERED** that "settlement" may or may not include payment of
21 money damages. It also may or may not include an agreement to resolve Plaintiff's issues
22 differently. A compromise agreement is one in which neither party is completely satisfied with
23 the result, but both have given something up and both have obtained something in return.

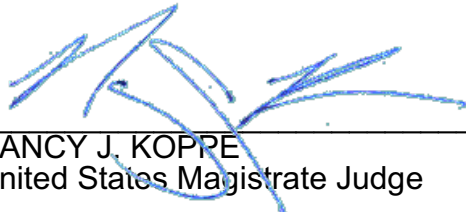
24 **IT IS FURTHER ORDERED** that, if the case does not settle, Plaintiff will be required
25 to pay the full \$350.00 filing fee. This fee cannot be waived. If Plaintiff is allowed to proceed
26 *in forma pauperis*, the fee will be paid in installments from his prison trust account. 28 U.S.C.
27 § 1915(b). If Plaintiff is not allowed to proceed *in forma pauperis*, the \$350.00 will be due
28 immediately.

1 IT IS FURTHER ORDERED that, if any party seeks to have this case excluded from the
2 inmate mediation program, that party shall file a "motion to exclude case from mediation" no
3 later than August 9, 2016. The responding party shall have seven (7) days to file a response.
4 No reply shall be filed. Thereafter, the Court will issue an order, set the matter for hearing, or
5 both.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically **SERVE** a
7 copy of this order, the amended screening order (ECF No. 8) and a copy of Plaintiff's
8 amended complaint (ECF No. 5) on the Office of the Attorney General of the State of Nevada,
9 attention Kat Howe.

10 IT IS FURTHER ORDERED that the Attorney General's Office shall advise the Court,
11 no later than August 9, 2016, whether it will enter a limited notice of appearance on behalf of
12 Defendants for the purpose of settlement. No defenses or objections, including lack of
13 service, shall be waived as a result of the filing of the limited notice of appearance.

14 DATED: This 19th day of July, 2016.

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19 NANCY J. KOPPE
20 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Plaintiff,

v.

Defendants.

REPORT OF ATTORNEY GENERAL
RE: RESULTS OF 90-DAY STAY

NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM. THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.

On _____ [*the date of the issuance of the screening order*], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

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REPORT FORM

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

_____ A mediation session with a court-appointed mediator was held on _____ [*enter date*], and as of this date, the parties have reached a settlement (*even if paperwork to memorialize the settlement remains to be completed*). (*If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.*)

_____ A mediation session with a court-appointed mediator was held on _____ [*enter date*], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

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