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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VICTOR TAGLE, Plaintiff, vs. STATE OF NEVADA, et al., Defendants.	Case No. 2:15-cv-02143-RFB-CWH **ORDER**

Presently before the court is Plaintiff Victor Tagle's Motion for Recovering File from D.A.G. at NDOC's Expense, Under 42 USCS § 1985 (ECF No. 84), filed on September 1, 2017. Defendant Christopher Beecroft filed a response (ECF No. 95) on September 15, 2017.

Plaintiff requests a copy of the "whole file" from cases 3:16-cv-00148 and 2:15-cv-00623, arguing that personnel from the Attorney General's office, the Nevada Department of Corrections, and others conspired to destroy the files under the supervision of two United States magistrate judges. Given that Plaintiff references an upcoming hearing before United States District Judge Boulware, it is the court's understanding that Plaintiff is requesting these files for the hearing. Plaintiff requests that the files be provided to him at the Attorney General and Nevada Department of Corrections' expense.

Defendant responds that the files have not been destroyed. Defendant represents to the court that Lovelock Correctional Center prison officials placed the files in storage in compliance with a prison administrative regulation that allows inmates to possess no more than three legal boxes in their cells. Defendant further represents that Plaintiff may access the stored legal documents by submitting a kite requesting the documents.

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Given that the upcoming hearing before Judge Boulware on September 29, 2017, is in this case, it is unclear to the court how documents from two other cases are relevant to the hearing. Regardless, based on Defendant's representations that the documents have not been destroyed and are accessible to Plaintiff, the court will deny Plaintiff's motion.

IT IS THEREFORE ORDERED that Plaintiff Victor Tagle's Motion for Recovering File from D.A.G. at NDOC's Expense, Under 42 USCS § 1985 (ECF No. 84) is DENIED.

DATED: September 25, 2017

C.W. Hoffman, Jr.
United States Magistrate Judge