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6	6 UNITED STATES DISTRICT COURT	
7	DISTRICT OF NEVADA	
8	LEMAR GANT,	
9	Plaintiff,	
10	V.	2:16-cv-00011-JAD-VCF
11	BRIAN WILLIAMS et al.,	ORDER
12	Defendants.	
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14	This action is a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state	
15	prisoner. Plaintiff has submitted an application to proceed <i>in forma pauperis</i> . (ECF No. 1).	
16	Based on the financial information provided, the Court finds that Plaintiff is unable to prepay	
17	the full filing fee in this matter.	
18	The Court entered a screening order on September 12, 2016. (ECF No. 6). The	
19	screening order imposed a 90-day stay and the Court entered a subsequent order in which the	
20	parties were assigned to mediation by a court-appointed mediator. (ECF No. 6, 8). The Office	
21	of the Attorney General has filed a status report indicating that settlement has not been	
22	reached and informing the Court of its intent to proceed with this action. (ECF No. 10).	
23	For the foregoing reasons, IT IS ORDERED that:	
24	1. Plaintiff's application to proceed	<i>in forma pauperis</i> (ECF No. 1) is GRANTED.
25	Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this	
26	action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).	
27	2. The movant herein is permitted to maintain this action to conclusion without the	
28	necessity of prepayment of any additional fees or costs or the giving of security therefor. This	
	order granting leave to proceed in forma pauperis shall not extend to the issuance and/or	
		Dockets.Justia.com

1 service of subpoenas at government expense.

Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
 month's deposits to Plaintiff's account (Lemar Gant, #49097), in the months that the account
 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the
 Court shall SEND a copy of this order to the Finance Division of the Clerk's Office. The Clerk
 of the Court shall also SEND a copy of this order to the attention of the Chief of Inmate
 Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

9 4. The Clerk of the Court shall electronically SERVE a copy of this order and a copy
10 of Plaintiff's amended complaint (ECF No. 5) on the Office of the Attorney General of the State
11 of Nevada, attention Kat Howe.

12 5. Subject to the findings of the screening order (ECF No. 6), within **twenty-one** (21) days of the date of entry of this order, the Attorney General's Office shall file a notice 13 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts 14 15 service; (b) the names of the defendants for whom it does not accept service, and (c) the 16 names of the defendants for whom it is filing the last-known-address information under seal. As to any of the named defendants for whom the Attorney General's Office cannot accept 17 18 service, the Office shall file, under seal, but shall not serve the inmate Plaintiff the last known 19 address(es) of those defendant(s) for whom it has such information. If the last known address 20 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain 21 and provide the last known physical address(es).

6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
 Attorney General has not provided last-known-address information, Plaintiff shall provide the
 full name and address for the defendant(s).

7. If the Attorney General accepts service of process for any named defendant(s),
such defendant(s) shall file and serve an answer or other response to the complaint within

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**sixty (60) days** from the date of this order.

8. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed or electronically filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

DATED: This  $\_$  day of December, 2016.

and tack

United States Magistrate Judge