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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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GEORGE L. MARSHALL,

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9

Plaintiff,

}

10

v.

2:16-cv-00566-JAD-NJK

11

JAMES COX 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
15 former state prisoner. The Court previously granted Plaintiff's application to proceed in district
16 court without prepaying fees or costs.¹ (ECF No. 2 at 16).

17 On October 4, 2017, the Court entered a screening order. (ECF No. 5). The screening
18 order imposed a 90-day stay and the Court entered a subsequent order assigning the case
19 to mediation by a court-appointed mediator. (ECF No. 5, 10). The Office of the Attorney
20 General has filed a status report indicating that settlement was not reached and informing the
21 Court of its intent to proceed with this action. (ECF No. 14).

22

IT IS THEREFORE ORDERED that:

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1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
24 of Plaintiff's amended complaint (ECF No. 4) on the Office of the Attorney General of the State
25 of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This
26 does not indicate acceptance of service.

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2. Service must be perfected within ninety (90) days from the date of this order

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¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1 pursuant to Fed. R. Civ. P. 4(m).

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

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

17 5. If the Attorney General accepts service of process for any named defendant(s),
18 such defendant(s) shall file and serve an answer or other response to the amended complaint
19 within **sixty (60) days** from the date of this order.

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

1 or the Clerk which fails to include a certificate showing proper service.

2 7. This case is no longer stayed.

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4 Dated this 10th day of January, 2018.

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7 NANCY J. KOPRE
8 UNITED STATES MAGISTRATE JUDGE

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