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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## KIRK ALEXANDER CURLS,

Plaintiff,

Case No. 2:16-cv-00979-JAD-PAL

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## CLARK COUNTY SCHOOL DISTRICT

Defendant.

## ORDER

(Mot Stay – ECF No. 26)

12 Before the court is Clark County School District's Motion to Stay Discovery Pending  
13 Resolution of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 23)  
14 (ECF No. 26). No opposition has been filed and the time for filing an opposition has expired.

15 Plaintiff is appearing pro se, that is representing himself, and has asserted claims against  
16 CCSD for national origin discrimination and retaliation in violation of state and federal law. The  
17 motion to dismiss argues plaintiff's case should be dismissed in its entirety because his claims are  
18 time barred because: 1) he did not file his complaint within 90 days of receiving a right to sue letter  
19 from the EEOC; 2) he exhausted administrative remedies for his state claims by filing a charge  
20 with the NERC; 3) assuming he had exhausted by filing with the NERC he did not file a complaint  
21 within 180 days of exhausting his state claims; and 4) the court should decline to exercise  
22 jurisdiction even if he has exhausted his state claims because dismissal of his federal claims is  
23 warranted. The court has taken a "preliminary peek" at the pending motion to dismiss which raises  
24 a statute of limitations bar to this court's jurisdiction over plaintiff's federal claims. The motion  
25 is potentially dispositive of plaintiff's claims. Plaintiff's response to the motion does not claim  
26 that discovery is needed to decide the motion. He claims his attorney withdrew unexpectedly  
27 before filing a complaint she was paid to file, and possibly committed malpractice, but that he

1 timely filed within 90 days of receiving a right to sue letter, and to his knowledge has complied  
2 with any federal deadlines.

3 Having reviewed and considered the matter, the court finds it would best accomplish the  
4 goal of Rule 1 of the Federal Rules of Civil Procedure to stay discovery in this case until the district  
5 judge decides the outcome of the pending motion to dismiss which is potentially dispositive of all  
6 of plaintiff's claims.

7 **IT IS ORDERED** that Clark County School District's Motion to Stay Discovery Pending  
8 Resolution of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 23)  
9 (ECF No. 26) is **GRANTED**.

10 DATED this 14th day of November, 2017.

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13 PEGGY A. LEEN  
14 UNITED STATES MAGISTRATE JUDGE  
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