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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

HAROLD E. MONTAGUE,

Plaintiff,

v.

MR. JACKSON, *et al.*,

Defendants.

Case No. 2:16-cv-01680-JAD-CWH

ORDER

**I. DISCUSSION**

On April 26, 2018, the Court issued a screening order (ECF No. 9) in which it screened the first amended complaint. In that screening order, the Court determined that some claims would proceed. (*Id.* at 7). The Court also ordered this action to be stayed until July 25, 2018 to allow the parties an opportunity to engage in mediation and settle their dispute. (*Id.*) The Court specifically stated that, during the 90-day stay, “no other pleadings or papers may be filed in this case.” (*Id.*) Despite this order, on May 23, 2018, Plaintiff filed a “third amended complaint.”<sup>1</sup> (ECF No. 11).

On May 30, 2018, the Court issued an order in which it gave Plaintiff an opportunity to decide whether he wished: 1) to go forward with the first amended complaint and the mediation on the first amended complaint as ordered in this Court’s April 26, 2018 order; or 2) to abandon the first amended complaint and the ordered mediation and instead

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<sup>1</sup> Although Plaintiff identified this complaint as a “third amended complaint,” there is no second amended complaint.

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have the Court screen the third amended complaint filed on May 23, 2018. (ECF No. 12). Plaintiff has now notified the Court that he chooses to go forward with the first amended complaint and the mediation. (ECF No.13).

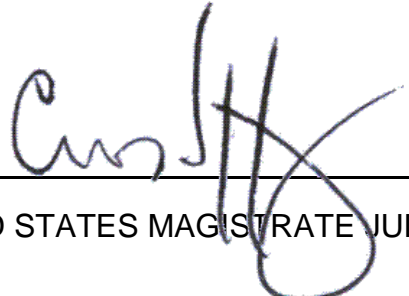
The case therefore will be scheduled for mediation. If mediation is scheduled after the July 25, 2018 deadline for the stay, both the deadline for the stay and the deadline for the Attorney General to file its status report will be extended until two days after the mediation.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that this case is referred to the Inmate Early Mediation Program and the court will enter a subsequent order scheduling the mediation.

IT IS FURTHER ORDERED that, if mediation is scheduled after the July 25, 2018 deadline for the stay, both the deadline for the stay and the deadline for the Attorney General to file the status report will be extended until two days after the mediation.

DATED THIS 19 day of June 2018.

  
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UNITED STATES MAGISTRATE JUDGE