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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DWIGHT MCINTYRE,
Plaintiff,
v.
NAPHCARE, INC. et al.,
Defendants.

2:16-cv-02107-JCM-PAL

ORDER

I. DISCUSSION

In light of the notice from the Attorney General’s Office that it cannot enter a limited notice of appearance for any party in this matter, even after contacting the former NDOC employee, the Court removes this case from the early inmate mediation program and returns the case to the normal litigation track. (See ECF No. 7, 8, 9).

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that the movant herein is permitted to maintain this action to conclusion without the 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 service of subpoenas at government expense.

IT IS FURTHER ORDERED that 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 (**Dwight McIntyre,**

1 **#92310**), in the months that the account exceeds \$10.00, until the full \$350.00 filing fee has
2 been paid for this action. The Clerk of the Court shall **SEND** a copy of this order to the
3 Finance Division of the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this
4 order to the attention of the Chief of Inmate Services for the Nevada Department of
5 Corrections, P.O. Box 7011, Carson City, NV 89702.

6 IT IS FURTHER ORDERED that service must be perfected within ninety (90) days from
7 the date of this order pursuant to Fed. R. Civ. P. 4(m).

8 IT IS FURTHER ORDERED that the Clerk of Court **SHALL ISSUE** summonses for
9 Defendants Frank Ryan, Brian Poirier, and Ted Hanf, **AND DELIVER THE SAME**, to the U.S.
10 Marshal for service. The Clerk **SHALL SEND** to Plaintiff **three (3)** USM-285 forms. The Clerk
11 also **SHALL SEND** a copy of the complaint (ECF No. 5) and a copy of this order to the U.S.
12 Marshal for service on Defendant(s). Plaintiff shall have **thirty (30) days** within which to
13 furnish to the U.S. Marshal the required USM-285 forms with relevant information as to each
14 Defendant on each form. Within **twenty (20) days** after receiving from the U.S. Marshal a
15 copy of the USM-285 forms showing whether service has been accomplished, Plaintiff must
16 file a notice with the Court identifying which Defendant(s) were served and which were not
17 served, if any. If Plaintiff wishes to have service again attempted on an unserved
18 Defendant(s), then a motion must be filed with the Court identifying the unserved Defendant(s)
19 and specifying a more detailed name and/or address for said Defendant(s), or whether some
20 other manner of service should be attempted.

21 IT IS FURTHER ORDERED that, within seven (7) days from, the date of this order, the
22 Attorney General's Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last
23 known address(es) of those Defendant(s) for whom it has such information. If the last known
24 address of the Defendant(s) is a post office box, the Attorney General's Office shall attempt
25 to obtain and provide the last known physical address(es).

26 IT IS FURTHER ORDERED that henceforth, Plaintiff shall serve upon Defendants or,
27 if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
28 motion or other document submitted for consideration by the Court. Plaintiff shall include with

1 the original paper submitted for filing a certificate stating the date that a true and correct copy
2 of the document was mailed to the Defendants or counsel for the Defendants. The Court may
3 disregard any paper received by a district judge or magistrate judge which has not been filed
4 with the clerk, and any paper received by a district judge, magistrate judge or the clerk which
5 fails to include a certificate of service.

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7 DATED: This 17th day of October, 2017.

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10 United States Magistrate Judge

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