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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

<p>WILL SITTON,</p> <p style="text-align: center;">Plaintiff(s),</p> <p style="text-align: center;">v.</p> <p>LVMPD, et al.,</p> <p style="text-align: center;">Defendant(s).</p>		<p>Case No. 2:17-CV-111 JCM (VCF)</p> <p style="text-align: center;">ORDER</p>
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Presently before the court is plaintiff Will Sitton’s motion to clarify screening order. (ECF No. 15).

On August 30th, 2017, the court entered an order screening plaintiff’s complaint. (ECF No. 12). As is relevant here, the order allowed plaintiff’s third cause of action to proceed against defendants Mecham and Cera and against Doe officers when plaintiff learns their identities. (ECF No. 12). Plaintiff requests that the court clarify whether his third cause of action should also be allowed to proceed against defendant Mendoza. (ECF No. 15).

Plaintiff’s complaint names Mendoza as a defendant. Further, plaintiffs third cause of action clearly alleges that defendant Mendoza participated in conduct that this court has determined could give rise to a colorable cause of action for excessive force. (ECF No. 13). Therefore, the claim should be allowed to proceed against defendant Mendoza. To the extent that the court’s screening order is inconsistent with this order, the screening order is herein modified to allow plaintiff’s third cause of action to proceed against defendant Mendoza.

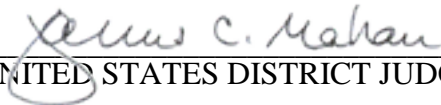
Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs’ motion to clarify screening order, (ECF No. 15), be, and the same hereby is, GRANTED.

James C. Mahan
U.S. District Judge

1 IT IS FURTHER ORDERED that the clerk of court shall issue summons for defendant
2 Mendoza and deliver the same to the U.S. Marshal for service. The clerk shall send plaintiff one
3 (1) USM-285 form. The clerk also shall send a copy of the complaint and a copy of this order to
4 the U.S. Marshal for service on defendant Mendoza. Plaintiff shall have thirty (30) days within
5 which to furnish the U.S. Marshal the required USM-285 form with relevant information as to
6 defendant Mendoza. Within twenty (20) days after receiving from the U.S. Marshal a copy of the
7 USM-285 forms showing whether service has been accomplished, plaintiff must file a notice with
8 the court identifying whether defendant Mendoza was served.

9 DATED October 27, 2017.

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12 UNITED STATES DISTRICT JUDGE
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