

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Donald Kinsman,

2:17-cv-0152-JAD-NJK

Plaintiff

V.

Naphcare, Inc., et al.,

Defendants

Order Granting Unopposed Motion to Dismiss Claims against Naphcare

[ECF No. 15]

Plaintiff Donald Kinsman, who is represented by counsel, sues various entities for the medical care he was denied during his detention at the Clark County Detention Center. Naphcare, Inc., the entity that provides medical services for the jail, moves to dismiss all claims against it, primarily because Kinsman appears to have pled medical-malpractice claims without providing the medical-expert affidavit required by NRS 41A.071, and because it also appears that he is pleading a deliberate-indifference-to-serious-medical-needs claim under § 1983 without pleading facts to support it.¹ Kinsman’s opposition to the motion was due by March 7, 2017. He has not opposed the motion, and the deadline for response passed without any request for an extension. Local Rule 7-2(d) states that the “failure of an opposing party to file points and authorities in response to” a motion to dismiss “constitutes a consent to the granting of the motion.”² I invoke LR 7-2(d) and deem Kinsman’s failure to oppose this motion to dismiss as consent to granting the motion. Accordingly,

IT IS HEREBY ORDERED that Naphcare's Motion to Dismiss [ECF No. 15] is GRANTED; all claims against Naphcare are DISMISSED;

DATED: March 22, 2017


Jennifer A. Dorsey
United States District Judge

¹ ECF No. 15.

² Nev. L.R. 7-2(d). *See also* notice of non-opposition at ECF No. 21.