

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Donald Kinsman,

4 Plaintiff

5 v.

6 Naphcare, Inc., et al.,

7 Defendants

2:17-cv-0152-JAD-NJK

**Order Granting Unopposed
Motion to Dismiss Claims against
Naphcare**

[ECF No. 15]

8
9 Plaintiff Donald Kinsman, who is represented by counsel, sues various entities for the
10 medical care he was denied during his detention at the Clark County Detention Center.
11 Naphcare, Inc., the entity that provides medical services for the jail, moves to dismiss all claims
12 against it, primarily because Kinsman appears to have pled medical-malpractice claims without
13 providing the medical-expert affidavit required by NRS 41A.071, and because it also appears that
14 he is pleading a deliberate-indifference-to-serious-medical-needs claim under § 1983 without
15 pleading facts to support it.¹ Kinsman's opposition to the motion was due by March 7, 2017. He
16 has not opposed the motion, and the deadline for response passed without any request for an
17 extension. Local Rule 7-2(d) states that the "failure of an opposing party to file points and
18 authorities in response to" a motion to dismiss "constitutes a consent to the granting of the
19 motion."² I invoke LR 7-2(d) and deem Kinsman's failure to oppose this motion to dismiss as
20 consent to granting the motion. Accordingly,

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

23 DATED: March 22, 2017

24 
25 _____
Jennifer A. Dorsey
United States District Judge

26 _____
27 ¹ ECF No. 15.

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