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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONALD E. MITCHELL, JR.,

Plaintiff,

v.

STATE OF NEVADA EX REL et al.,

Defendants.

Case No. 2:17-cv-00986-JAD-PAL

ORDER

This action is a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on April 26, 2018. (ECF No. 2). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 2, 5). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 7).

For the foregoing reasons, **IT IS ORDERED** that:

1. 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).

1 2. The movant herein is permitted to maintain this action to conclusion without
2 the necessity of prepayment of any additional fees or costs or the giving of security
3 therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the
4 issuance and/or service of subpoenas at government expense.

5 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections
6 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
7 preceding month's deposits to Plaintiff's account (**Donald E. Mitchell, Jr., #94796**), in the
8 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid
9 for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance
10 Division of the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this order
11 to the attention of the Chief of Inmate Services for the Nevada Department of Corrections,
12 P.O. Box 7011, Carson City, NV 89702.

13 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and
14 a copy of Plaintiff's complaint (ECF No. 3) on the Office of the Attorney General of the
15 State of Nevada by adding the Attorney General of the State of Nevada to the docket
16 sheet. This does not indicate acceptance of service.

17 5. Service must be perfected within ninety (90) days from the date of this order
18 pursuant to Fed. R. Civ. P. 4(m).

19 6. Subject to the findings of the screening order (ECF No. 2), within twenty-
20 one (21) days of the date of entry of this order, the Attorney General's Office shall file a
21 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
22 accepts service; (b) the names of the defendants for whom it does not accept service,
23 and (c) the names of the defendants for whom it is filing the last-known-address
24 information under seal. As to any of the named defendants for whom the Attorney
25 General's Office cannot accept service, the Office shall file, under seal, but shall not serve
26 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
27 information. If the last known address of the defendant(s) is a post office box, the Attorney
28 General's Office shall attempt to obtain and provide the last known physical address(es).

