

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 LAUSTEVEION JOHNSON,

5 Plaintiff,

6 v.

7 GENTRY F. DREESEN, *et al.*,

8 Defendants.

Case No. 2:17-CV-01671-APG-EJY

SCHEDULING ORDER

9
10 Before the Court is Plaintiff's Request to Conduct Discovery or Scheduling Order (ECF No.
11 53). Pursuant to Local Rule 16-1(b), "in actions by or on behalf of inmates under 42 U.S.C. § 1983
12 ... no discovery plan is required," rather "a scheduling order [is] entered within thirty (30) days after
13 the first defendant answers or otherwise appears." This is an action brought under 42 U.S.C. § 1983.
14 Defendants have appeared and a scheduling order has not yet been entered.

15 Additionally, Fed. R. Civ. P. 26(f)(1) states parties that are exempted from initial disclosures
16 under Fed. R. Civ. P. 26(a)(1)(B) are exempted from Fed. R. Civ. P. 26(f)'s discovery conference
17 requirements. *See* Fed. R. Civ. P. 26(f)(1). Fed. R. Civ. P. 26(a)(1)(B) exempts actions "brought
18 without an attorney by a person in the custody of the United States, a state, or a state subdivision."
19 Here, Plaintiff is incarcerated and does not have an attorney. Accordingly, LR. 16-1 and Fed. R.
20 Civ. P. 26 exempts the parties from providing a discovery plan and scheduling order. Therefore,
21 this Court is required to enter the standard inmate discovery plan and scheduling order.

22 Accordingly, and for good cause shown,

23 IT IS HEREBY ORDERED that Plaintiff's Request to Conduct Discovery or Scheduling
24 Order (ECF NO. 53) is DENIED as moot and the following scheduling deadlines apply.

25 1. DISCOVERY: Pursuant to LR 16-1(b), discovery in this action shall be completed
26 on or before **June 3, 2020**.

1 2. Any and all pleadings that may be brought under Fed. R. Civ. P. 13 and 14 or joining
2 additional parties under Fed. R. Civ. P. 19 and 20, shall be filed and served no later than **March 5,**
3 **2020.** Any party causing additional parties to be joined or brought into this action shall
4 contemporaneously therewith cause a copy of this Order to be served upon the new party or parties.

5 3. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are
6 allowed without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall
7 be filed and served not later than **March 5, 2020.**

8 4. Expert disclosures shall be made on or before **April 6, 2020,** and the disclosures of
9 rebuttal experts shall be made on or before **May 6, 2020.**

10 5. Dispositive Motions shall be filed and served no later than **July 3, 2020.**

11 6. The Joint Pretrial Order is due by **August 3, 2020.** If dispositive motions are filed,
12 the joint pretrial order is due thirty (30) days from the entry of the court's rulings on the motions or
13 by further order of the court.

14 7. The Interim Status Report must be filed or before **April 6, 2020.**

15 8. EXTENSIONS OF DISCOVERY: Pursuant to LR 26-4, an extension of the
16 discovery deadline will not be allowed without a showing of good cause. All motions or stipulations
17 to extend discovery shall be received by the Court at least twenty-one (21) days prior to the date
18 fixed for completion of discovery by this Scheduling Order, or at least twenty-one (21) days prior to
19 the expiration of any extension thereof that may have been approved by the Court. The motion or
20 stipulation shall include:

21 (a) A statement specifying the discovery completed by the parties of the date of
22 the motion or stipulation;

23 (b) A specific description of the discovery which remains to be completed;

24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(c) The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline; and

(d) A proposed schedule for the completion of all remaining discovery.

DATED: February 4, 2020


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE