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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GEORGE A. TOLIVER,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
OFFICER J. SOLES, et al.,

Defendants.

Case No. 2:17-cv-02612-MMD-DJA

ORDER

11 This matter is before the Court on Plaintiff George A. Toliver's Proposed Subpoena and
12 USM-285 (ECF No. 22), filed on November 1, 2019. The Court previously ordered that Toliver
13 complete the summons and USM-285 forms for the following defendants identified in his
14 complaint, which was permitted to proceed after screening: (1) Las Vegas Metropolitan Police
15 Department Officer J. Soles #15320; (2) unnamed Las Vegas Metropolitan Police Department
16 Officer #15319; (3) parole officer John D. Mehalko; (4) parole sergeant E. Tanner; and (5) parole
17 lieutenant Shane Brandon, and file them with the court by August 10, 2019. (ECF No. 13).

18 It appears as though the summons/USM-285 were returned unexecuted for Officer J. Soles
19 #15320, Officer #15319, Shane Brandon, John Mehalko, and E. Tanner. (ECF Nos. 16-17).
20 Toliver was granted assistance with service on the unserved defendants permitted to proceed in
21 this action as stated above. (ECF No. 20). See Fed. R. Civ. P. 4(c)(3) (providing that the court
22 must order service by a United States marshal if the plaintiff is authorized to proceed *in forma*
23 *pauperis* under 28 U.S.C. § 1915). In so ordering, the Court directed Toliver to complete five
24 summons forms and five USM-285 forms for the five unserved defendants. Instead, Toliver filed
25 one subpoena and USM-285 without specifying to which defendant it is directed. The Court will
26 deny Toliver's subpoena as improper. It refers Toliver to its prior Order (ECF No. 20) for further
27 instructions.
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IT IS HEREBY ORDERED that Plaintiff George A. Toliver’s Proposed Subpoena and USM-285 (ECF No. 22) is **denied without prejudice**.

IT IS FURTHER ORDERED that Toliver must complete the summons and USM-285 forms for the five unserved defendants and file them with the Court by November 18, 2019.

IT IS FURTHER ORDERED that upon receipt of the proposed summonses and completed USM-285 forms from Toliver, the clerk of court must issue the summonses and deliver the summonses, the USM-285 forms, a copy of Plaintiff’s complaint (ECF No. 10), and a copy of this order to the U.S. Marshal for service.

DATED: November 4, 2019



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE