

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 JOHN DEWAYNE BARNES,

Case No. 2:18-CV-00168-RFB-EJY

5 Plaintiff,

ORDER

6 v.

7 LAS VEGAS METROPOLITAN POLICE
8 DEPARTMENT DETENTION SERVICES
9 DIVISION, et al.,

Defendants.

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11 Before the Court is Plaintiff John Dewayne Barnes' Motion to Substitute the True Name of
12 Doe Defendant(s) (ECF No. 25). No opposition having been timely filed, and good cause appearing,

13 **IT IS HEREBY ORDERED** that Plaintiff John Dewayne Barnes' Motion to Substitute the
14 True Name of Doe Defendant(s), ECF No. 25, is GRANTED.

15 **IT IS FURTHER ORDERED** that ECF No. 25 shall be filed by the Clerk of the Court as
16 the "Operative Complaint."

17 **IT IS FURTHER ORDERED** that the Answer to the Complaint (ECF No. 8) filed by
18 previously served Defendants shall be deemed the Answer to the Operative Complaint as defined in
19 this Order.

20 **IT IS FURTHER ORDERED** that the Clerk of Court **will issue** a summons for Defendant
21 Lana Robinson, **and deliver the same**, to the U.S. Marshal for service. The Clerk also **will send** a
22 copy of the Operative Complaint (ECF No. 25) and a copy of this Order to the U.S. Marshal for
23 service on Defendant Robinson.

24 **IT IS FURTHER ORDERED** that the Clerk **will send** to Plaintiff **one (1)** USM-285 form.
25 Plaintiff will have **thirty (30) days** within which to furnish to the U.S. Marshal the required USM-
26 285 form with relevant information as to the Defendant on the form. Within **twenty (20) days** after
27 receiving from the U.S. Marshal a copy of the USM-285 form showing whether service has been
28 accomplished, Plaintiff must file a notice with the Court identifying whether Defendant Robinson

1 was served. If Plaintiff wishes to have service again attempted on Defendant Robinson, then a
2 motion must be filed with the Court specifying a more detailed name and/or address for Defendant
3 Robinson, or whether some other manner of service should be attempted.

4 **IT IS FURTHER ORDERED** that, consistent with the Court's previous Order, Plaintiff
5 **shall** serve upon Defendants or, if appearance has been entered by counsel, upon the attorney(s), a
6 copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff
7 will include with the original paper submitted for filing a certificate stating the date that a true and
8 correct copy of the document was mailed to the Defendants or counsel for the Defendants. The Court
9 may disregard any paper received by a district judge or magistrate judge which has not been filed
10 with the clerk, and any paper received by a district judge, magistrate judge or the clerk which fails
11 to include a certificate of service.

12 **IT IS FURTHER ORDERED** that pursuant to Plaintiff's obligation to serve by mail each
13 Defendant and/or Defendants' Counsel, **Robert W. Freeman, with Lewis Brisbois Bisgaard &**
14 **Smith, LLP, 6385 S. Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118**, a copy of all
15 pleadings, motions or other documents submitted for consideration by the Court, as originally stated
16 by the Court in ECF No. 3 granting Plaintiff's Application to Proceed *In Forma Pauperis* and
17 ordering that Plaintiff's Complaint be filed, Plaintiff **shall** mail a copy of this Order and a copy of
18 Plaintiff's Motion to Substitute the True Name of Doe Defendant to Robert W. Freeman, at the
19 address stated above within **fifteen (15) days** of receiving a copy of this Order.

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21 DATED: September 4, 2019

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25 ELAYNA J. YOUCHAH
26 UNITED STATES MAGISTRATE JUDGE
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