

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JOSHUA ROBERTS,

11 Plaintiff(s),

12 v.

13 LAS VEGAS METROPOLITAN POLICE
14 DEPARTMENT, et al.,

15 Defendant(s).

Case No.: 2:18-cv-00649-APG-NJK

Order

[Docket Nos. 44, 45, 46]

16 On January 7, 2019, the Court issued an order denying Plaintiff's requests for the United
17 States Marshal Service to locate Defendant Devore to effectuate service, as well as other requests
18 for alternative service, while also granting the request to extend the deadline to complete service
19 to March 15, 2019. Docket No. 38. Plaintiff thereafter filed a motion to further extend that
20 deadline, Docket No. 44, and a motion to reconsider, Docket No. 45. Plaintiff then filed a motion
21 for the United States Marshal Service to effectuate service at an address he newly discovered for
22 Defendant Devore. Docket No. 46. Defendants filed a response to the first two motions. Docket
23 No. 50. Plaintiff filed a reply. Docket No. 52. The motions are properly resolved without a
24 hearing. See Local Rule 78-1.

25 **I. Docket No. 46**

26 Beginning with Plaintiff's most recent motion, he has identified a new address at which he
27 would like service attempted on Defendant Devore by the United States Marshal Service. Docket
28 No. 46. That motion is **GRANTED**.

1
2 Accordingly, the Court **ORDERS** as follows:

- 3 • Service must be effectuated on Defendant Devore within 60 days from the issuance of this
4 order.
- 5 • The Clerk's Office shall deliver to the United States Marshal Service the summons for
6 Officer Devore (Docket No. 18 at 1-2) and a copy of the amended complaint (Docket No.
7 17).
- 8 • The Clerk's Office shall mail Plaintiff a blank copy of the USM-285 form.
- 9 • Within 21 days of the issuance of this order, Plaintiff shall furnish the United States
10 Marshal Service with the required USM-285 form for Defendant Devore.
- 11 • Within 21 days after receiving from the United States Marshal Service a copy of the USM-
12 285 form showing whether service has been accomplished, Plaintiff must file a notice with
13 the Court identifying whether Defendant Devore were served. If Plaintiff wishes to have
14 service again attempted on Defendant Devore, a motion must be filed specifying a more
15 detailed name and/or address for said defendant, or whether some other manner of service
16 should be attempted.

17 **II. Docket No. 44**

18 Plaintiff also separately asks the Court to extend the time to effectuate service on Defendant
19 Devore. Docket No. 44.¹ In light of the order above providing that service shall be effectuated
20 within 60 days of the issuance of this order, this motion to extend is hereby **DENIED** as moot.

21 **III. Docket No. 45**

22 Plaintiff lastly asks the Court to reconsider its prior ruling regarding service. Docket No.
23 45 at 2-4; see also Docket No. 38. As noted above, however, Plaintiff has since identified a
24 location at which service may be attempted on Defendant Devore and the Court is allowing that
25

26 ¹ Plaintiff has sought myriad relief through a single motion. See Docket Nos. 43, 44, 45.
27 The Court does not address herein every aspect of that filing. If a request for relief included within
28 that document is not addressed herein or in the order issued concurrently herewith, Plaintiff may
file a separate motion issue that complies with the local rules. Moving forward, Plaintiff must file
a separate motion for each type of relief he is seeking. See Local Rule IC 2-2(b).

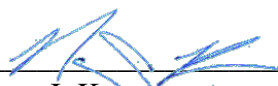
1 service to be attempted by the United States Marshal Service. Accordingly, the motion for
2 reconsideration is hereby **DENIED** as moot.

3 **IV. Conclusion**

4 For the reasons explained more fully above, the motion for service (Docket No. 46) is
5 **GRANTED**, the motion to extend time (Docket No. 44) is **DENIED** as moot, and the motion for
6 reconsideration (Docket No. 45) is **DENIED** as moot.

7 IT IS SO ORDERED.

8 Dated: March 12, 2019

9 
10 _____
11 Nancy J. Koppe
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28