

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 JESSE NOBLE,

4 Plaintiff,

5 v.

6 JAMES DZURENDA, et al.,

7 Defendants.

Case No. 2:19-cv-00343-GMN-EJY

**ORDER**

8

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

13 The Court entered a screening order on December 12, 2019. (ECF No. 5). The screening  
14 order imposed a 90-day stay and the Court entered a subsequent order in which the parties were  
15 assigned to mediation by a court-appointed mediator. (ECF Nos. 5, 9). The Office of the Attorney  
16 General has filed a status report indicating that settlement has not been reached and informing the  
17 Court of its intent to proceed with this action. (ECF No. 16).

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

19 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.  
20 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this  
21 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

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

26 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall  
27 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
28 month's deposits to Plaintiff's account (**Jesse Noble, #1039146**), in the months that the account

1 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the  
2 Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk  
3 of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services  
4 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

5 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
6 of Plaintiff's complaint (ECF No. 6) on the Office of the Attorney General of the State of Nevada  
7 by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate  
8 acceptance of service.

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

11 6. Subject to the findings of the screening order (ECF No. 5), within twenty-one (21)  
12 days of the date of entry of this order, the Attorney General's Office shall file a notice advising  
13 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the  
14 names of the defendants for whom it does not accept service, and (c) the names of the defendants  
15 for whom it is filing the last-known-address information under seal. As to any of the named  
16 defendants for whom the Attorney General's Office cannot accept service, the Office shall file,  
17 under seal, but shall not serve the inmate Plaintiff the last known address(es) of those defendant(s)  
18 for whom it has such information. If the last known address of the defendant(s) is a post office  
19 box, the Attorney General's Office shall attempt to obtain and provide the last known physical  
20 address(es).

21 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
22 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
23 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General  
24 has not provided last-known-address information, Plaintiff shall provide the full name and address  
25 for the defendant(s).

26 8. If the Attorney General accepts service of process for any named defendant(s), such  
27 defendant(s) shall file and serve an answer or other response to the complaint (ECF No. 6) within  
28 sixty (60) days from the date of this order.

