

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRIS CAVE,
Plaintiff,
v.
KENNETH MEAD, et al.,
Defendants.

Case No. 2:20-cv-00413-APG-NJK

ORDER

[Docket No. 54]

Pending before the Court is Plaintiff's request for reconsideration/objection to the undersigned's order instructing the parties to file a joint proposed discovery plan. Docket No. 54. Plaintiff appears to seek an extension of time to file a joint proposed discovery plan and again requests recusal of the undersigned.¹ *See id.* at 1–4.

I. Plaintiff's request for an extension of time

On November 19, 2020, the Court granted a motion to stay discovery filed by Defendants Brinkley and Mead (“Defendants”) pending resolution of Defendants’ motion to dismiss. Docket No. 38; *see also* Docket No. 10 (motion to dismiss). The Court further ordered the parties to file a joint proposed discovery plan within 14 days of the issuance of the order resolving Defendants’ motion. Docket No. 38 at 2. Defendants’ motion to dismiss was resolved on March 15, 2021. Docket No. 51. The parties, however, failed to file a joint proposed discovery plan. *See* Docket No. 53. Accordingly, on April 19, 2021, the Court ordered the parties to file a joint proposed discovery plan no later than April 23, 2021. Docket No. 53. Although difficult to follow, it appears that

¹ The undersigned liberally construes Plaintiff's document as a motion for extension of time and a motion for recusal. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (stating courts liberally construe *pro se* filings). Plaintiff is cautioned that the Court's Local Rules require him to file separate documents for each type of relief requested. *See LR IC 2-2(b); see also Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) ("Although we construe pleadings liberally in their favor, *pro se* litigants are bound by the rules of procedure").

1 Plaintiff did not receive the Court's order instructing the parties to file a joint proposed discovery
2 plan until April 23, 2021. Docket No. 54 at 1–2. In light of Plaintiff's proffered difficulties, the
3 Court will grant his request for an extension of time.

4 **II. Plaintiff's request for the undersigned's recusal**

5 On August 31, 2020, Plaintiff filed a notice of second manual entry, which the undersigned
6 construed as a motion for recusal. Docket Nos. 26, 36. The allegations in Plaintiff's request for
7 recusal appeared to arise out of the undersigned's purported improper conduct in an unrelated case.
8 *See* Docket No. 26 at 2–3. Specifically, Plaintiff appeared to allege, with no basis in fact, that the
9 undersigned conferred in the Court's library with a party in an unrelated case and asked about
10 Plaintiff's union card. *See id.* Based on these baseless and outlandish allegations, the undersigned
11 denied Plaintiff's request for recusal on October 29, 2020. Docket No. 36. Plaintiff's instant
12 request for recusal reiterates the same baseless and outlandish allegations. *Compare* Docket No.
13 26, *with* Docket No. 54. Thus, the undersigned again finds that Plaintiff's allegations fail to show
14 that the undersigned's actions "display a deep-seated favoritism or antagonism that would make
15 fair judgment impossible" in this case. *Liteky v. United States*, 510 U.S. 540, 555 (1994).

16 **III. Conclusion**

17 Accordingly, Plaintiff's objection, which the Court construes as a motion for extension of
18 time and a motion for recusal of the undersigned, is **GRANTED** as to the request for an extension
19 of time and **DENIED** as to the request for the undersigned's recusal. Docket No. 54. The parties
20 must file a joint proposed discovery plan no later than May 10, 2021. Failure to comply with this
21 order may result in sanctions.

22 IT IS SO ORDERED.

23 Dated: April 26, 2021

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Nancy J. Koppe
United States Magistrate Judge

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