

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Michele Denise Miller,
Plaintiff
v.
Long Drugs dba CVS H
Defendants

Case No.: 2:22-cv-01150-JAD-VCF

Order Staying Case Pending Arbitration

Pro se plaintiff Michele Denise Miller sued CVS Health for retaliation and employment
termination based on her age and race. In November 2023, I granted CVS's motion to compel
arbitration and dismiss this case.¹ At the time that order was issued, Ninth Circuit authority
permitted district courts compelling arbitration to either stay or dismiss the case. But during the
pendency of Miller's appeal of my order, the United States Supreme Court held in *Smith v.
Merri* that district courts compelling arbitration may only stay—not dismiss—such a case.²
The Ninth Circuit panel vacated my dismissal order and remanded with instructions for me to
stay pending arbitration instead.³

As the Ninth Circuit has vacated the dismissal portion of my order and “remand[ed] for a stay pending arbitration,”⁴ IT IS ORDERED that **THIS CASE IS STAYED** pending the

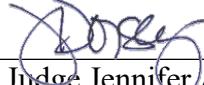
¹ ECF No. 37.

² ECF No. 46 at 2–3 (quoting *Smith v. Spizzirri*, 601 U.S. 472, 478 (2024)).

23 | ³ *Id.* at 3.

4 *Id.*

1 conclusion of the arbitration proceedings. **The Clerk of Court is directed to**
2 **ADMINISTRATIVELY CLOSE this case.**

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5 U.S. District Judge Jennifer A. Dorsey
6 March 10, 2025

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