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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 STEPHEN ZARATE,

7 Plaintiff(s),

8 v.

9 IVANA ARAMARK, et al.,

10 Defendant(s).

Case No. 2:22-cv-01449-APG-NJK

ORDER

[Docket Nos. 23, 24, 25]

11 Pending before the Court are three motions filed by Plaintiff: (1) a motion to substitute Joe
12 Lombardo for Warden Doe, Docket No. 23; (2) a motion to issue summons and serve Joe
13 Lombardo, Docket No. 25, and (3) a motion to serve Defendant Aramark at a new address, Docket
14 No. 24. As stated below, all three motions are **GRANTED**.

15 **I. MOTION TO SUBSTITUTE**

16 On January 14, 2023, United States District Judge Andrew P. Gordon issued a screening
17 order finding Plaintiff's amended complaint stated a colorable claim against the Warden Doe of
18 Clark County Detention Center. *See* Docket No. 10 at 8. Plaintiff now explains that the doe
19 defendant is former Sheriff Joe Lombardo. Docket No. 23. For good cause shown, the motion to
20 substitute is **GRANTED** and the unidentified warden in Plaintiff's second amended complaint is
21 hereinafter construed as referring to Joe Lombardo. The Clerk's Office is **INSTRUCTED** to
22 update the docket such that Joe Lombardo replaces "Warden John Doe."

23 **II. MOTION FOR SERVICE ON JOE LOMBARDO**

24 Plaintiff seeks issuance of a summons and service by the United States Marshal Service on
25 Joe Lombardo in light of the above. Docket No. 25. That motion is also **GRANTED**. The Clerk's
26 Office is **INSTRUCTED** to issue summons for Joe Lombardo. The Clerk's Office is also
27 **INSTRUCTED** to send Plaintiff four copies of the Form USM-285. Plaintiff must provide the
28 Marshal Service with the required Form USM-285 by March 6, 2024. Within 20 days after

1 receiving from the Marshal Service a copy of the Form USM-285, showing whether service has
2 been accomplished, Plaintiff must file a notice identifying whether Defendant Lombardo was
3 served. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion
4 must be filed with the Court identifying the unserved defendant and specifying a more detailed
5 name and/or address for said defendant, or whether some other manner of service should be
6 attempted.

7 **III. MOTION FOR ANOTHER SERVICE ATTEMPT ON IVANA ARAMARK**

8 Plaintiff seeks an order that the Marshal re-attempt service on Defendant Ivana Aramark.
9 Docket No. 24. Service was previously unsuccessful because the defendant no longer works at
10 the address provided previously. *See* Docket No. 19 at 6 (summons returned unexecuted). Plaintiff
11 now provides an alternative address on Las Vegas Boulevard. *See* Docket No. 24. For good cause
12 shown, the motion is **GRANTED**. Plaintiff must provide the Marshal Service with the required
13 Form USM-285 by March 6, 2024. Within 20 days after receiving from the Marshal Service a
14 copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file
15 a notice identifying whether Defendant Aramark was served. If Plaintiff wishes to have service
16 again attempted on an unserved defendant, a motion must be filed with the Court identifying the
17 unserved defendant and specifying a more detailed name and/or address for said defendant, or
18 whether some other manner of service should be attempted.

19 **IV. CONCLUSION**

20 For the reasons discussed above, the Court **GRANTS** Plaintiff's (1) motion to substitute
21 Joe Lombardo for Warden Doe, Docket No. 23; (2) motion to issue summons and serve Joe
22 Lombardo, Docket No. 25, and (3) motion to serve Defendant Aramark at a new address, Docket
23 No. 24. The Rule 4(m) deadline to effectuate service is hereby **RESET** for May 1, 2024.

24 IT IS SO ORDERED.

25 Dated: February 7, 2024

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Nancy J. Koppe
United States Magistrate Judge