

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JAMES ANTHONY DAVIS,

Case No. 2:22-cv-01796-RFB-DJA

4 Plaintiff

ORDER

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants  
8

9 This now counseled action is a civil rights complaint filed under 42 U.S.C. § 1983  
10 by a former state prisoner. In compliance with this Court's order, Plaintiff has submitted  
11 an application to proceed in district court without prepaying fees or costs following his  
12 release from prison. (ECF No. 26). Based on the financial information provided, the  
13 Court grants Plaintiff leave to proceed without prepayment of fees or costs under 28  
14 U.S.C. § 1915(a)(1).<sup>1</sup> The Court grants Plaintiff's motion to waive his filing fee and  
15 administrative filing fee in this matter. (ECF No. 27).

16 On July 3, 2023, the Court entered a screening order. (ECF No. 15). The  
17 screening order imposed a 90-day stay and the Court entered a subsequent order  
18 assigning the case to mediation by a court-appointed mediator. (ECF Nos. 15, 18). The  
19 case was later removed from the mediation program and moved to the normal litigation  
20 track. (ECF No. 22).

21 **IT IS THEREFORE ORDERED** that:

22 1. Plaintiff's application to proceed in district court without prepaying fees or  
23 costs (ECF No. 26) and motion to waive filing fee and administrative fee (ECF No. 27)  
24 are **GRANTED**.

25 2. Plaintiff is permitted to maintain this action to conclusion without the  
26 necessity of prepayment of any additional fees or costs or the giving of security therefor.

27 <sup>1</sup> Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is  
28 no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1           3.       The Clerk of the Court will electronically **SERVE** a copy of this order and a  
2 copy of Plaintiff's first amended complaint (ECF No. 14) on the Office of the Attorney  
3 General of the State of Nevada, by adding the Attorney General of the State of Nevada  
4 to the docket sheet. This does not indicate acceptance of service.

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

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

17           6.       If service cannot be accepted for any of the named defendant(s), Plaintiff  
18 will file a motion identifying the unserved defendant(s), requesting issuance of a  
19 summons, and specifying a full name and address for the defendant(s). For the  
20 defendant(s) as to which the Attorney General has not provided last-known-address  
21 information, Plaintiff will provide the full name and address for the defendant(s).

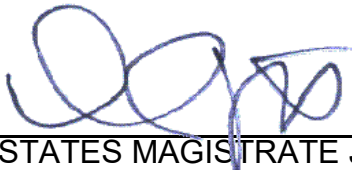
22           7.       If the Attorney General accepts service of process for any named  
23 defendant(s), such defendant(s) will file and serve an answer or other response to the  
24 first amended complaint (ECF No. 14) within **sixty (60) days** from the date of this order.

25           8.       Plaintiff shall serve upon defendant(s) or, if an appearance has been  
26 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other

1 document submitted for consideration by the Court. If Plaintiff electronically files a  
2 document with the Court's electronic-filing system, no certificate of service is required.  
3 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff  
4 mails the document to the Court, Plaintiff shall include with the original document  
5 submitted for filing a certificate stating the date that a true and correct copy of the  
6 document was mailed to the defendants or counsel for the defendants. If counsel has  
7 entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
8 named in the notice of appearance, at the physical or electronic address stated therein.  
9 The Court may disregard any document received by a district judge or magistrate judge  
10 which has not been filed with the Clerk, and any document received by a district judge,  
11 magistrate judge, or the Clerk which fails to include a certificate showing proper service  
12 when required.

13 9. This case is no longer stayed.

14  
15 DATED this 5<sup>th</sup> day of February 2024.



16  
17 UNITED STATES MAGISTRATE JUDGE