

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SERGEY MKHITARYAN,  
Plaintiff(s),  
v.  
COUNTY OF CLARK,  
Defendant(s).

Case No. 2:24-cv-00708-RFB-NJK

## Order

11 Plaintiff is being prosecuted in state proceedings, during which issues have been raised as  
12 to his competence to stand trial. On October 7, 2024, the Court appointed the Office of the Federal  
13 Public Defender to represent Plaintiff in this case in light of those competency issues. Docket No.  
14 20; *see also Davis v. Walker*, 745 F.3d 1303, at 1311 (9th Cir. 2014) (citing *Krain v. Smallwood*,  
15 880 F.2d 1119, 1121 (9th Cir. 1989)). On February 5, 2025, counsel filed a status report indicating  
16 that (1) Plaintiff has been deemed competent to stand trial in his state criminal case and (2) Plaintiff  
17 has apparently refused to meet with counsel regarding filing an amended complaint in this case.  
18 Docket No. 34. On February 6, 2025, the Court ordered Plaintiff to confer with his counsel.  
19 Docket No. 35. The Court also ordered counsel to file a further notice as to whether counsel should  
20 continue to represent Plaintiff in this matter given the competence finding in state court, whether  
21 a new deadline should be set for the filing of an amended complaint, and (relatedly) whether  
22 Plaintiff intends to continue pursuing this case. *Id.*

23 Counsel has now filed that notice. Docket No. 36. Counsel filed that notice representing  
24 that Plaintiff has not communicated with them and that he has not appeared during state court  
25 proceedings. *Id.* Counsel further indicate that, “given the state court’s competency finding and  
26 Plaintiff’s noncommunication with counsel, the undersigned attorneys believe that counsel should  
27 not continue to represent the Plaintiff.” *Id.* at 2. Because they have had no further communications

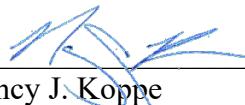
1 with Plaintiff, counsel take no position on whether Plaintiff wants the case to continue and request  
2 he be given 60 days to file an amended complaint. *Id.*

3 In light of the changed circumstances, the Court relieves appointed counsel of their duty in  
4 this case and Plaintiff will return to his *pro se* status. The Clerk's Office is **INSTRUCTED** to  
5 remove the Federal Public Defender's office as counsel of record. If Plaintiff wishes to proceed  
6 with this case, he is **ORDERED** to file an amended complaint in compliance with the earlier  
7 screening order. *See* Docket No. 12. That amended complaint must be filed by April 30, 2025.

8 **Failure to file an amended complaint by that date may result in dismissal.**

9 IT IS SO ORDERED.

10 Dated: March 3, 2025

11   
12 Nancy J. Koppe  
13 United States Magistrate Judge

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28