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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

RICHARD DEEDS,	)	
	)	
Plaintiff,	)	3:03-cv-00453-LRH-VPC
	)	
v.	)	
	)	<u>ORDER</u>
ROBERT BAYER, et al.,	)	
	)	
Defendants.	)	
_____	)	

Before the court are two matters. First, although Andrew Fras is a named defendant in this case, he has never been served with process. Accordingly, pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff is granted ten (10) days to show good cause for his failure to effect service. If Plaintiff does not do so, the court will dismiss Plaintiff’s claim against Fras.

Second, there remains a claim pending against Robert Barats in count eleven of Plaintiff’s second amended complaint.<sup>1</sup> On September 15, 2008, this court denied Plaintiff’s motion for summary judgment against Barats on the basis that Barats had never been served with Plaintiff’s motion. In an April 23, 2008, report and recommendation that this court adopted, the magistrate

<sup>1</sup>In his second amended complaint, plaintiff did not set out formal “counts” (#250). Plaintiff sets out eleven claims in paragraph form. However, instead of numbering the paragraphs sequentially, plaintiff numbers his claims to correspond with numbers he assigned these claims in prior complaints. To avoid confusion, the court will refer to plaintiff’s claims in sequence, as counts one through eleven, beginning with plaintiff’s first paragraph.

1 ordered the Attorney General's Office to file Defendant Barats' last known address under seal. The  
2 Attorney General's Office never provided Barats' last known address, and Plaintiff has never  
3 sought leave to refile his motion for summary judgment. Given the uncertain nature of Plaintiff's  
4 claim against Barats, the court grants Plaintiff ten (10) days to notify the court whether he intends  
5 to pursue his claim against Barats.

6 IT IS THEREFORE ORDERED that the Attorney General's Office must file within ten (10)  
7 days, under seal, Barats' last known address.

8 IT IS FURTHER ORDERED that Plaintiff is granted ten (10) days to show good cause for  
9 his failure to effect service on Andrew Fras.

10 IT IS FURTHER ORDERED that Plaintiff is granted ten (10) days to notify the court  
11 whether he intends to pursue his claim against Robert Barats.

12 IT IS SO ORDERED.

13 DATED this 12th day of March, 2009.



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16 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE