

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELISANDRO MENDOZA, )
Plaintiff, )
vs. )
STEFANIE HUMPHREY, et al., )
Defendants. )

3:09-CV-00717-LRH (VPC)

MINUTES OF THE COURT

January 27, 2011

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff's motion to receive an unedited version of plaintiff's Nevada Offender Tracking Information System (NOTIS) in camera (#38) is before the court. Defendants opposed (#39), and plaintiff did not reply. Plaintiff requests to receive the "complete version of what occurred [sic] to [him] . . . so that he will be able . . . to continue to file on this case into 9th circuit, and/or the United States Supreme Court, at a later date" (#38, p.2). Defendants oppose stating that "the relief requested is actually a [m]otion to compel defendant to provide plaintiff with discovery" (#39, p. 2). Defendants note that discovery is closed so the motion is untimely. Id.

On January 25, 2011, this court issued a report and recommendation (#40) granting defendants' motion to dismiss (#26) for plaintiff's failure to exhaust administrative remedies. Further, the court recommended that plaintiff's complaint be dismissed without prejudice (#40). Plaintiff's current motion before the court does not seek to demonstrate that he exhausted his remedies; therefore, it does not bear on this court's Report and Recommendation. Additionally, as the court recommended dismissal of plaintiff's complaint, the motion is moot.

Therefore, plaintiff's motion to receive an unedited version of plaintiff's Nevada Offender Tracking Information System (NOTIS) in camera (#38) is DENIED as moot.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/ Deputy Clerk