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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY LEWIS,)
)
 Plaintiff,)
)
 v.)
)
 J. ALLEN, et al.,)
)
 Defendants.)
)

3:10-cv-00083

MINUTES OF THE COURT

November 3, 2011

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

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff filed a motion for the court to summon witnesses to give statements in support of count IV (#92) and defendants did not oppose. The court has not issued a scheduling order, and no discovery has occurred. Moreover, it is not the duty of the court to conduct discovery on behalf of a party. See Fed. R. Civ. P. 26. Additionally, this motion is moot in light of the court's Report and Recommendation dismissing count IV for a failure to exhaust administrative remedies.

IT IS ORDERED that plaintiff's motion for the court to summon witnesses is **DENIED** (#92).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk