

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JACOB RAMIE PRATT,)	3:10-CV-0615-RCJ (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	June 16, 2014
)	
JAMES MINNIX, et al.,)	
)	
Defendants.)	
_____)	

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:

This case originated on October 1, 2010 (#1). The Office of the Attorney General accepted service on behalf of all defendants except James Minnix. As to James Minnix, the Attorney General filed the last known address of Mr. Minnix (#19). The U.S. Marshal attempted service of process on Mr. Minnix at his last known address (#28); however, Mr. Minnix was unable to be found at the last known address he provided to the Nevada Department of Corrections (“NDOC”).

Thereafter, the plaintiff moved the court to order the defendants to provide Mr. Minnix’s current address (#31). Defendants responded that the NDOC is not aware of Mr. Minnix’s current whereabouts (#32). The court denied plaintiff’s motion (#33).

The Magistrate Judge then recommended that defendants’ motion for summary judgment be denied (#34). The District Court rejected the Magistrate Judge’s recommendation, granted the defendants’ motion for summary judgment, and ordered the Clerk to enter judgment and close the case (#45).

Plaintiff appealed the judgment (#51). On appeal, the Ninth Circuit affirmed in part, reversed in part, and remanded this case (#56). Upon remand, a notice of intent to dismiss James Minnix for failure to complete service pursuant to Fed.R.Civ.P. 4(m) was issued on January 16, 2014 (#66).

In April 2014, plaintiff was permitted to amend his complaint (#70), and in May, the Office of the Attorney General filed an answer on behalf of all defendants except James Minnix

(#73). Plaintiff now moves the court again to force the defendants to provide the address for defendant Minnix's current employer (#80). Defendants have opposed the motion (#81). No reply was filed.

Defendants have provided the last known address on file for James Minnix with the NDOC. Service by the U.S. Marshal was unsuccessful at that address. The NDOC is not required to search for a current address for a former employee. Additionally, while unfortunate for plaintiff that James Minnix may have provided stale, incorrect, or no address upon leaving the employ of the Nevada Department of Corrections, there is no provision in the *in forma pauperis* statute which provides for the court, the United States Marshal Service, or the Nevada Attorney General to pay for the costs associated with service by publication. *Johnson v. Cheryl*, 2013 WL 129383 *6 (D. Nev. 2013) *citing Zaritsky v. Crawford*, 2008 WL 2705488 *2 (D. Nev. 2008); *see* 28 U.S.C. § 1915; *see also* Local Rule of Special Proceedings and Appeals ("LSR") 1-8. ("The granting of an application to proceed *in forma pauperis* does not waive the applicant's responsibility to pay the expenses of litigation which are not covered by 28 U.S.C. § 1915."). Therefore,

IT IS ORDERED that plaintiff's motion for the defendants to provide the address for defendant Minnix's current employer (#80) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/ _____
Deputy Clerk