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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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ALFONSO JACKSON,

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3:10-cv-00771-LRH-WGC

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Plaintiff,

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ORDER

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vs.

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JOHN DOE, *et al.*,

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Defendant(s)

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I. Motion to Amend

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Before the court is “Plaintiff’s Motion Requesting Leave to File An Supplemental Pleading to His Second Amended Complaint (CD # 12).” (Doc. # 104). Defendants have opposed the motion (Doc. # 109) and Plaintiff has replied (Doc. # 112). Plaintiff seeks to “supplement” certain sections of his Complaint. (Doc. # 104 at 1.)

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Plaintiff seeks to add James Minnix, Glinda Strolk and Joshua Conner whom he states were previously dismissed from this action. (*Id.*) He seeks to “supplement sections 1A - 1C and 2A - 2C with the names of five new defendants: Warden Brooks, Warden McDaniels, Warden Baker, Eric Szendrey and Rosalind Harwell.” (*Id.*, at 1-2.)

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Defendants oppose the requested amendment. (Doc. # 109.) Defendants identify an earlier motion Plaintiff filed to amend his action (Doc. # 34) which was denied by the court on December 9, 2011. (Doc. # 53.)¹ The Scheduling Order of July 28, 2011 (Doc. # 22) imposed a September 28,

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¹ Defendants note the “near identity of the present motion to Plaintiff’s previously denied Motion for Leave to Amend (# 34)” (Doc. # 109 at 3.)

1 2011, deadline to amend the pleadings (Doc. # 109 at 2). Defendants also state discovery has been
2 closed and earlier motions to reopen discovery have been denied (*id.*) Proposed party defendants
3 Strolk, Conner and Minnix were dismissed by District Judge Larry R. Hicks on June 12, 2012, for
4 failing to effect service (Doc. # 80).

5 Judge Hicks, when adopting this court's Report and Recommendation, directed the parties to
6 file a joint pre-trial order with the court within 45 days of his order. (Doc. #101.) That deadline has
7 come and as of today, no pre-trial order has been filed.

8 The court finds Plaintiff's motion (Doc. # 104) to be untimely. Granting the motion would
9 conflict with Judge Hicks' mandate regarding the pre-trial order. It would cause discovery to be
10 reopened and would result in a likely 6-8 month delay in this case. Plaintiff has not shown good cause
11 for his requested amendment, particularly since the "primary actors" who allegedly inflicted excessive
12 force upon Plaintiff are already Defendants in this action. (Doc. # 92 at 7-10.) Plaintiff's motion to
13 amend (#114) is denied.

14 The court notes that Plaintiff advises the court he just received Defendants' draft of the pre-trial
15 order which was sent to him on November 7, 2012 (Doc. # 114 at 2). The parties shall have until
16 December 14, 2012, to resolve any differences with the content of the joint pre-trial order. If the
17 parties cannot agree as to certain content of the joint pre-trial order, those points of disagreement shall
18 be noted therein. Nonetheless, a joint pre-trial order shall be on file no later than December 14, 2012.

19 **II. Plaintiff's Motion to Stay Joint Pre-Trial Order**

20 Plaintiff recently filed a "Motion to Stay Joint Pre-Trial Order" (Doc. # 114). The premise of
21 the motion to stay is predicated upon the pendency of other motions Plaintiff has filed, such as his
22 motion for copywork extension (Doc. # 100), Motion to Amend (Doc. # 104), Motion for Appointment
23 of Counsel (Doc. # 103) and Motion for Sanctions (Doc. # 107). Inasmuch as Plaintiff's motions have
24 been denied by this court in the instant order and other recent orders, Plaintiff's Motion (Doc. # 114)
25 is denied as moot.

26 **III. Defendants' Motion for Enlargement of Time to File Joint Pre-Trial Order**

27 Defendants have recently filed a motion seeking an enlargement of time to file the joint pre-
28 trial order (Doc. # 115), which in view of the orders entered herein, is denied as moot.

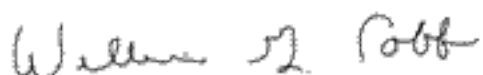
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Therefore,

- (1) Plaintiff's Motion Requesting Leave to Amend (Doc. # 104) is **DENIED**.
- (2) A Joint Pre-Trial Order shall be filed **no later than December 14, 2012**.
- (3) Plaintiff's Motion to Stay Joint Pre-Trial Order (Doc. #114) and Defendants' Motion for Enlargement to File Joint Pre-Trial Order (Doc. #115) are **DENIED as moot**.

IT IS SO ORDERED.

DATED: November 16, 2012



WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE