	1	FILED RECEIVED ENTERED SERVED ON COUNSEL/PARTIES OF RECORD			
	2	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA NOV 2 3 2011			
	3				
	4	CLERK US DISTRICT COURT DISTRICT OF NEVADA			
	5	MARLO THOMAS, 3:11-EV-00664-LRH-VPC DEPUTY			
	6	Plaintiffs,			
	.7	VS.			
	8	E.K. McDANIEL, et al.,			
	9	Defendants.			
	10				
	11	Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, filed			
	12	a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF NO. 4), which was screen by the Court			
	13	pursuant to 28 U.S.C. § 1915A. In the screening order, the Court indicated that plaintiff had received			
	14	a response to an informal grievance from both defendants McDaniel and Brooks related to a bias held			
	15	by Baker. See Screening Order, (ECF No. 3), p. 3, lines 18-20. Plaintiff now moves the Court to correct			
	16	these stated facts. (ECF No. 6), contending that the Court misinterpreted or misunderstood the			
	17				
	18	Having reviewed the motion and the complaint, the Court agrees that the allegations may			
tal	19	have been misinterpreted as to McDaniel's participation in the informal grievance response. Therefore,			
	20	plaintiff's motion (ECF No. 6) shall be granted. The parties to this action shall be bound by the facts			
	21	as they are alleged in the Complaint. The Court's summary of those facts, if different from the facts as			
	22	alleged, shall be disregarded.			
	23	IT IS SO ORDERED.			
	24	DATED: November 22, 2011.			
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	26	UNITED STATES MAGISTRATE JUDGE			
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-	DISTRICT OF NEVADA				
4	,) 3:00-CV-0000()				
-	Plaintiffs,				
(vs.) ATTORNEY GENERAL RE:				
1	, et al.,)				
(Defendants.				
10					
1	NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.				
12	On [the date of the issuance of the screening order], the Court issued its				
13	screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that				
14	certain specified claims in this case would proceed. The court ordered the Office of the Attorney				
1:	General of the State of Nevada to file a report ninety (90) days after the date of the entry of the court's				
10	screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the				
1	7 Office of the Attorney General hereby complies.				
1	REPORT FORM				
19	the instructions corresponding to the proper statement.]				
29	Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator				
2	in any additional information as required, then proceed to the signature bloc.]				
2:	A mediation session with a court-appointed mediator was held on				
2.	to memorialize the settlement remains to be completed). (If this box is checked, the				
2 2	stipulation of dismissal or a motion requesting that the court continue the stay in the				
2	A mediation session with a court-appointed mediator was held on				
2	[enter date], and as of this date, the parties have not reached a settlement. The Office of				
2	2				

1		~			
2		No mediation session with a court-appointed mediator was held during the 90-day stay,			
3		but the parties have nevertheless settled the case. (If this box is checked, the parties are on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal or a motion requesting that the court continue the stay in this case until a specified date			
4		upon which they will file a stipulation of dismissal.)			
5		No mediation session with a court-appointed mediator was held during the 90-day stay, but one is currently scheduled for [enter date].			
6 7		No mediation session with a court-appointed mediator was held during the 90-day stay, and as of this date, no date certain has been scheduled for such a session.			
8		None of the above five statements describes the status of this case. Contemporaneously			
9		with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.			
10					
11	Situation Two: Informal Settlement Discussions Case: The case was NOT assigned to mediation with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to engage in informal settlement negotiations. [If this statement is accurate, check <u>ONE</u> of the four				
12					
13		The parties engaged in settlement discussions and as of this date, the parties have reached a settlement (even if the paperwork to memorialize the settlement remains to be			
14		completed). (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion			
15		requesting that the court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)			
16 17		The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the court of			
18		its intent to proceed with this action.			
19		The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the			
20		Court of its intent to proceed with this action.			
21		None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.			
22	Submi	itted this day of,, by:			
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24		Print Signature			
25	Address:	Phone:			
26		Email:			
27					
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