

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN KINFORD,)	3:11-cv-00701-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	February 6, 2013
)	
BANNISTER, <i>et al.</i> ,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On February 4, 2013, the court received plaintiff's "Motion for Issuance of Summons and Order for Service" as to "Defendant James Pincock." (Doc. # 89). Plaintiff's motion erroneously states "this court has previously allowed Plaintiff to submit an amended complaint wherein Dr. James Pincock was added as a defendant." (*Id.* at 2.) Plaintiff is mistaken. In this Court's order of December 18, 2012 (Doc. # 80), the court concluded Plaintiff's amended complaint did not state a viable medical malpractice claim against Dr. Pincock but that issue would be addressed in a subsequent report and recommendation on the subject. (Doc. # 80 at 8; fn. 76.) Additionally, while the court concluded Plaintiff's proposed amended complaint appeared to set forth a colorable claim of deliberate indifference, no final ruling was made by this court on the proposed amended complaint. Instead the court stated a report and recommendation would be issued addressing Plaintiff's motion to amend after the parties completed further briefing. (Doc. # 80 at 12.)

The parties were permitted to have until January 14, 2013, "to submit additional memoranda on the subject." (*Id.* at 2.) However, four days after that deadline, and before this court issued a report and recommendation on Plaintiff's motion to amend, the parties submitted a stipulation for dismissal with prejudice (Doc. # 86). On January 25, 2013, Chief Judge Robert C. Jones entered an Order dismissing the case with prejudice (Doc. # 88).

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