Williams v. Foster	et al I	Doc. 13	
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4	UNIT	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA	
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6	TONY WILLIAMS,) 3:12-CV-0660-MMD-WGC	
7	Plaintiff,) ORDER	
8	vs.) ORDER)	
9	S.L. FOSTER, et al.,	TER, et al.,	
10	Defendants.		
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12	Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted an		
13	amended civil rights complaint pursuant to 42 U.S.C. § 1983 (#10). Based on the financial information		
14	provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter. Therefore,		
15	IT IS ORDERED as follows:		
16	1. Plaintiff's applicatio	n to proceed in forma pauperis (# 1) is GRANTED ; however,	
17	plaintiff must pay an	initial partial filing fee of \$30.00 toward the full filing fee of three	
18	hundred fifty dollars (\$350.00). Plaintiff shall have thirty (30) days from the date this		
19	order is entered in which to have the designated fee sent to the Clerk of the Court.		
20	Failure to do so may result in dismissal of this action. Furthermore, even if this action		
21	is dismissed, the full	is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).	
22	2. The movant herein	The movant herein is permitted to maintain this action to conclusion without the	
23	necessity of prepayme	necessity of prepayment of any additional fees or costs or the giving of security therefor.	
24	This order granting le	eave to proceed in forma pauperis shall not extend to the issuance	
25	of subpoenas at gove	of subpoenas at government expense.	
26	3. The Clerk of the Cour	The Clerk of the Court shall SEND plaintiff two copies of this order. Plaintiff is ordered	
27	to make the necessary	y arrangements to have one copy of this order attached to the check	
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- in the amount of the designated fee, by sending a copy of the order with the "brass slip" for the amount of the fee to Inmate Services for the Nevada Department of Corrections.
- 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account (inmate #64094), in the months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.
- 5. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's complaint on the Office of the Attorney General of the State of Nevada, attention Kat Howe.
- 6. The Attorney General's Office shall within **twenty-one** (21) days of the date of the entry of this order file a notice advising the court and plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants for whom it is filing last-known-address information under seal. As to any of the named defendants for whom the Attorney General's Office cannot accept service, the Office shall file, under seal, the last known address(es) of those defendant(s) for whom it has such information.
- 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name for the defendant(s). For the defendant(s) as to which the Attorney General has not provided last-known-address information, plaintiff shall provide the full name and address for the defendant(s).

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- 8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within sixty (60) days from the date of this order.
- 9. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The Court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

IT IS SO ORDERED.

DATED: September 24, 2013.

UNITED STATES MAGISTRATE JUDGE