

✓ FILED _____ RECEIVED
_____ ENTERED _____ SERVED ON
COUNSEL/PARTIES OF RECORD

FEB 24 2014

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY: _____ DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAMUEL HOWARD,
#18329,

Plaintiff,

vs.

RENEE BAKER, *et al.*

Defendants.

3:13-cv-00163-MMD-VPC

ORDER

The Court having been advised that the case has not been resolved during the stay, this prisoner civil rights action shall proceed forward.

IT THEREFORE IS ORDERED THAT:

1. Plaintiff's application (#1) to proceed *in forma pauperis* is **GRANTED**; however, plaintiff must pay an initial partial filing fee of \$78.45 (see #1, at electronic docketing page 4) toward the full filing fee of three hundred fifty dollars (\$350.00). Plaintiff shall have **thirty (30) days** from the date this order is entered in which to have the designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this action. Furthermore, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at government expense.

1 3. The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is
2 ordered to make the necessary arrangements to have one copy of this order attached to the
3 check in the amount of the designated fee, by sending a copy of the order with the "brass slip"
4 for the amount of the fee to Inmate Services for the Nevada Department of Corrections.

5 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
6 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
7 month's deposits to plaintiff's account (inmate #18329), in the months that the account
8 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the
9 Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk
10 shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services for the
11 Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

12 5. The stay previously entered herein is lifted and that, within **twenty-one (21)**
13 **days** of entry of this order, the Attorney General's Office shall file a notice advising the Court
14 and plaintiff of: (a) the names of the defendant(s) for whom it accepts service; (b) the names
15 of the defendant(s) for whom it does not accept service, and (c) the names of the
16 defendant(s) for whom it is filing last-known-address information under seal. As to any of the
17 named defendant(s) for whom the Attorney General's Office cannot accept service, the Office
18 shall file, under seal, the last known address(es) of those defendant(s) for whom it has such
19 information.

20 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall
21 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
22 specifying a full name for the defendant(s). For the defendant(s) as to which the Attorney
23 General has not provided last-known-address information, plaintiff shall provide the full name
24 **and** address for the defendant(s).

25 7. If the Attorney General accepts service of process for any named defendant(s),
26 such defendant(s) shall file and serve an answer or other response to remaining claims in the
27 complaint within **sixty (60) days** from the date of this order.

28 ////

