

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN G. WALKER,)	3:13-cv-00485-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	August 6, 2014
MICHAEL HALEY, et al.,)	
)	
Defendants.)	
_____)	

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

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court are two motions of Plaintiff, Doc. ## 30 and 31. The court will address them in that order.

I. Plaintiff's Motion for a 120 Continuance (Doc. # 30)

Plaintiff has filed a Motion for 120 Day Continuance (Doc. # 30). Plaintiff states he seeks this continuance because of his current incarceration in the Sacramento County Jail. He states that when he was transferred from the Northern Nevada Correctional Center (NNCC) to the Sacramento County Jail, his legal papers did not accompany him and he is prevented from litigating this case.

Plaintiff's motion comes on the heels of an earlier motion, Doc. # 20, which the court treated as a request for an extension of time to serve certain defendants and to extend the discovery deadline. On July 10, 2014, the court granted plaintiff's motion for continuance and also extended the time for Plaintiff to effect service on certain defendants. The court also modified the Scheduling Order (Doc. # 25) to extend the discovery and certain other deadlines. (Doc. # 29; the current deadline for completion of discovery is November 7, 2014).

Plaintiff's most recent motion for a continuance is dated July 7, 2014, but was not docketed until July 16, 2014. It is probable, therefore, that the court's order of July 10 (Doc. # 29) crossed paths in the mail with Plaintiff's July 7 motion (Doc. # 30).

Inasmuch as the court has already granted Plaintiff the relief he now again seeks, and as the revised deadlines the court provided plaintiff are still fairly far out on the calendar, the court **DENIES** Plaintiff's Motion for 120 Continuance (Doc. # 30).

II. Plaintiff “Motion [for] Order to release and deliver legal work, material evidence” (Doc. #31)

In this motion, plaintiff contends that when he was transferred from NNCC to the Sacramento County Jail, NNCC officials retained his legal papers and, according to Plaintiff, refuse to forward them to him in Sacramento. Plaintiff seeks an order from this court directing certain NNCC employees to provide Plaintiff his legal materials which he claims have been retained at NNCC.

The individuals against whom Plaintiff seeks to have this order entered are apparently all employees of NNCC (officer Mike Oravetz, Correctional Officer Abeloe, Sergeant Henly, Sergeant Barros and Director Cox); none of the named individuals is a defendant in the instant action before the court. While the court sympathizes with Plaintiff’s apparent plight, because the court does not have jurisdiction over any of these individuals (or the Northern Nevada Correctional Center), the court cannot grant Plaintiff the relief he seeks.

Plaintiff “Motion [for] Order to release and deliver legal work, material evidence” (Doc. #31) is **DENIED.**

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk