

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

* * *

JERAMIE CARLSSON,

Plaintiff,

v.

BYRON CRAGG, *et al*,

Defendants.

Case No. 3:14-cv-0091-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 16) (“R&R”) regarding Plaintiff Jeramie Carlsson’s application to proceed *in forma pauperis* (dkt. no. 1) and *pro se* civil rights complaint (dkt. no. 1-1). Plaintiff filed an objection to the R&R (“Objection”) (dkt. no. 8).

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

The Court has engaged in a *de novo* review to determine whether to adopt Magistrate Judge Cooke’s R&R. The Court agrees with the Magistrate Judge’s determination that Counts I and II should be dismissed with prejudice.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 6) be accepted and adopted in its entirety.

1 It is ordered that plaintiff's application to proceed *in forma pauperis* (dkt. no. 1)
2 without having to prepay the full filing fee is granted; plaintiff shall not be required to pay
3 an initial installment fee. Nevertheless, the full filing fee shall still be due, pursuant to 28
4 U.S.C. § 1915, as amended by the Prisoner Litigation Reform Act of 1996. Plaintiff is
5 permitted to maintain this action to conclusion without the necessity of prepayment of
6 fees or costs or the giving of security therefor. This order granting *in forma pauperis*
7 status shall not extend to the issuance of subpoenas at government expense.

8 It is further ordered that, pursuant to 28 U.S.C. § 1915, as amended by the
9 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay
10 to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
11 month's deposits to the account of Jeramie Carlsson, Inmate No. 87009 (in months that
12 the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action.
13 The Clerk shall send a copy of this order to the attention of the Chief of Inmate Services
14 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.


15 It is further ordered that, even if this action is dismissed, or is otherwise
16 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. § 1915, as
17 amended by the Prisoner Litigation Reform Act of 1996.

18 It is further ordered that the Clerk shall detach and file the complaint (dkt. no. 1-1).

19 It is further ordered that count 1 of the complaint shall proceed.

20 It is further ordered that counts II and III are dismissed with prejudice and without
21 leave to amend.

22 DATED THIS 2nd day of December 2014.

23
24 
25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
28