UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN OLIVER SNOW,

Plaintiff,

vs.

DAVID A. MAR et al.,

Defendants.

3:14-cv-00290-RCJ-VPC

ORDER

The Court recently dismissed Defendant Correctional Medical Services, Inc. without prejudice under Rule 4(m). Plaintiff has asked the Court to reconsider, arguing that he never received the November 3, 2015 Notice of Intent to Dismiss (the "Notice") (ECF No. 66). As evidence, Plaintiff attaches a copy of his December 8, 2015 request to prison officials for a list of all of his legal mail since November 3, 2015. (*See* Inmate Request Form, ECF No. 68, at 4). In that request, Plaintiff claimed that he never received any mail from the Court in November 2013, but only from the Attorney General and Attorney Potter (who has never represented Plaintiff in the present case). (*See id.*). Prison officials responded on the form that Plaintiff had also received mail from the Federal Public Defender on November 9, 2015 (the FPD does not represent Plaintiff in this case). (*See id.*). The log Plaintiff received in response is also attached, and it indicates that the legal mail received since November 3, 2015 was from the Attorney General, Attorney Potter, and this Court. (*See* Log, ECF No. 68, at 5). The only piece of legal

mail from this Court was received on December 7, 2015. (*See id.*). That piece of mail was almost certainly the December 4, 2015 Order of Dismissal (ECF No. 67), not the November 3, 2015 Notice. Moreover, the electronic docket entry for the Notice does not contain the standard language "(Copies have been distributed pursuant to the NEF)" that appears on the orders and minute orders issued in the case. The Court finds that it is more likely than not that Plaintiff was never sent a copy of the Notice, and he has therefore demonstrated good cause for the Court to reconsider.

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 68) is GRANTED.

IT IS HEREBY ORDERED that Plaintiff shall have an additional thirty (30) days from the date this Order is entered into the electronic docket to serve Correctional Medical Services, Inc.

IT IS SO ORDERED.

DATED this 25th day of January, 2016.

ROBERT C. JONES
United States District Judge