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## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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JAMAL DAMON HENDRIX,

Case No. 3:15-cv-00155-MMD-WGC

Plaintiff,

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants.

On December 14, 2016, the Court issued an Order dismissing without prejudice three defendants — Michael Fletcher, Bradford (*aka Doris Brashford, true name Doris Parenteau*) and Leah Bothe — pursuant to Fed. R. Civ. P. 4(m) for failure to timely file proof of service. (ECF No. 56.) In the Order, the Court found that Plaintiff failed to file proof of service by the November 28, 2016,<sup>1</sup> deadline. (*Id.*) Plaintiff moves for reconsideration, explaining the reason for the delay in filing the proofs of service. (ECF No. 59.) Plaintiff indicated that Fletcher was served on December 19, 2016, and the receipt of service was sent to him on December 23, 2016. He further indicated that Bradford and Bothe were not served on December 1, 2016, and the receipts of service were sent to him on December 18, 2016. Service was not effectuated on Bradford and Bothe. (ECF Nos. 54, 55.) The Office of the Attorney General filed a notice of acceptance

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<sup>1</sup>The Order contains two errors with respect to dates. The first error is the date this action was filed. The motion for leave to proceed *in forma pauperis* was filed on March 12, 2015 (ECF No. 1), while the Complaint was filed on September 28, 2015 (ECF No. 11). The second error relates to the deadline for proof of service, which is November 28, 2016, not November 28, 2018.

1 of service on behalf of Fletcher on January 10, 2017. (ECF No. 60). While Plaintiff did  
2 not file proof of service on Fletcher within the November 28, 2016 deadline, Plaintiff has  
3 demonstrated good cause for the delay in said filing. Plaintiff's motion for reconsideration  
4 with respect to Fletcher is granted. The Order (ECF No. 56) is vacated as to the dismissal  
5 of Fletcher.

6 To the extent Plaintiff seeks reconsideration of the dismissal of Bradford and  
7 Bothe, his motion is denied as to these two Defendants because service has not been  
8 effectuated on them. To the extent Plaintiff's seeks reconsideration relating to the other  
9 Defendants referenced in his motion (i.e., Winsor, D. Pinkham and Steven Kimbrell),  
10 Plaintiff's motion is denied as moot because these Defendants have not been dismissed.<sup>2</sup>

11 Accordingly, it is ordered that Plaintiff's motion for reconsideration (ECF No. 59) is  
12 granted in part and denied in part.

13 DATED THIS 11<sup>th</sup> day of January 2017.



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16 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

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28 <sup>2</sup>Plaintiff's motion addresses service on the Defendants identified but not  
dismissed in the Order. (ECF No. 39 at 2-3.)