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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LORENZO MORENO,)	
)	CASE NO.: 3:15-CV-00176-RCJ-WGC
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	
JUSTEN, <i>et al.</i> ,)	
)	
Defendants.)	

The Court has considered the Report and Recommendation of United States Magistrate (ECF #3) entered on September 14, 2015, in which the Magistrate Judge recommends the Court defer a decision on the Application to Proceed in *Forma Pauperis* (ECF #1), and direct the Clerk of the Court to file the Complaint (ECF #1-1). The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

ADOPTS AND ACCEPTS the Report and Recommendation of the United States Magistrate Judge (ECF #3).

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed *in Forma Pauperis* (ECF #1) is DEFERRED.

IT IS FURTHER ORDERED that the Clerk of the Court shall file the Complaint (ECF #1-1).

IT IS FURTHER ORDERED that Count I is DISMISSED as duplicative of the excessive force claim being asserted in 3:14-CV-00533-RCJ-VPC.

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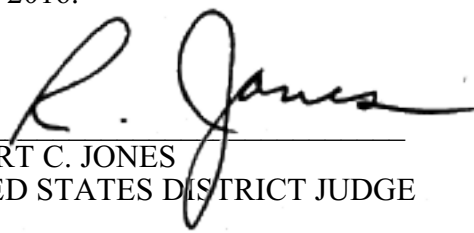
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IT FURTHER ORDERED that Counts I and II are DISMISSED with leave to amend.

IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved form for filing a complaint under 42 U.S.C. § 1983, instructions for the same, and a copy of his original complaint (ECF #1-1).

IT IS FURTHER ORDERED that the First Amended Civil Rights Complaint shall be filed within 30 days of entry of this order. Failure to amend the complaint curing the deficiencies outlined in the Report and Recommendation (ECF #3), will result in dismissal without prejudice.

IT IS SO ORDERED this 5th day of January, 2016.



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE