

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**

ROGER RANDOLPH,
Plaintiff,
v.
JAMES COX, *et al.*,
Defendants.

3:16-cv-00468-MMD-WGC

ORDER

I. DISCUSSION

On May 17, 2017, this Court entered a screening order which stayed the case for ninety (90) days and referred the case to the Inmate Early Mediation Program. (ECF No. 6 at 10). In the order, the Court ordered that “no other pleadings or papers will be filed in this case, and the parties will not engage in any discovery” during the ninety-day stay period. (*Id.*)

On June 13, 2017, Plaintiff filed a motion to amend complaint. (ECF No. 8). On July 7, 2017, Plaintiff filed a first amended complaint. (ECF No. 9). The Court directs Plaintiff to file a notice informing the Court whether he wants to proceed on his first amended complaint (ECF No. 9) or his original complaint (ECF No. 5). The Court notes that, if Plaintiff chooses to proceed with the first amended complaint, the Court will not schedule an early mediation conference as directed by the May 17, 2017 screening order. Instead, the Court will screen Plaintiff’s first amended complaint and then order the case to proceed to mediation if any of Plaintiff’s claims survive screening of the first amended complaint. Plaintiff should be aware that the screening process will take several months to complete. If Plaintiff would like his case to proceed now, he may file a notice with the Court indicating his desire to proceed to mediation on his original complaint.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the motion to amend complaint
3 (ECF No. 8) is granted.


4 IT IS FURTHER ORDERED that Plaintiff shall file a notice with the Court on or before
5 Friday, August 11, 2017 indicating whether Plaintiff would like to: (a) proceed to mediation on
6 his original complaint and dismiss his first amended complaint or (b) proceed with his first
7 amended complaint and await screening. If Plaintiff chooses to proceed to mediation on his
8 original complaint, the Court will schedule an early inmate mediation conference as soon as
9 possible.

10 IT IS FURTHER ORDERED that, if Plaintiff does not file a notice with the Court
11 indicating his desire to proceed to mediation on his original complaint on or before Friday,
12 August 11, 2017, the Court will screen the first amended complaint.

13 IT IS FURTHER ORDERED that, if Plaintiff chooses to proceed with his first amended
14 complaint, no further action is required by Defendants in this case until further order by this
15 Court.

16 DATED: July 10, 2017.

17
18
19
20
21
22
23
24
25
26
27
28


United States Magistrate Judge