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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

<p>VALLIER WILLIAM TOMPKINS,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KAREN GEDNEY, <i>et al.</i>,</p> <p style="text-align: right;">Defendants.</p>		<p>Case No. 3:16-cv-00692-RCJ-CBC</p> <p style="text-align: center;">ORDER</p>
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Case No. 3:16-cv-00692-RCJ-CBC

ORDER

This action is a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court imposed a 90-day stay on January 14, 2019 and subsequently extended the stay to June 2, 2018. (ECF No. 13, 20). The Court also entered an order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 19). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 24).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In

1 the event that this action is dismissed, the full filing fee must still be paid pursuant to 28
2 U.S.C. § 1915(b)(2).

3 2. The movant herein is permitted to maintain this action to conclusion
4 without the necessity of prepayment of any additional fees or costs or the giving of
5 security therefor. This order granting leave to proceed *in forma pauperis* shall not
6 extend to the issuance and/or service of subpoenas at government expense.

7 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of
8 Corrections shall pay to the Clerk of the United States District Court, District of Nevada,
9 20% of the preceding month's deposits to Plaintiff's account (**Vallier William**
10 **Tompkins, # 84900**), in the months that the account exceeds \$10.00, until the full
11 \$350.00 filing fee has been paid for this action. The Clerk of the Court shall **SEND** a
12 copy of this order to the Finance Division of the Clerk's Office. The Clerk of the Court
13 shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services for
14 the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

15 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and
16 a copy of Plaintiff's second amended complaint (ECF No. 8) on the Office of the
17 Attorney General of the State of Nevada by adding the Attorney General of the State of
18 Nevada to the docket sheet. This does not indicate acceptance of service.

19 5. Service must be perfected within ninety (90) days from the date of this
20 order pursuant to Fed. R. Civ. P. 4(m).

21 6. Subject to the findings of the screening order (ECF No. 13), within twenty-
22 one (21) days of the date of entry of this order, the Attorney General's Office shall file a
23 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
24 accepts service; (b) the names of the defendants for whom it does not accept service,
25 and (c) the names of the defendants for whom it is filing the last-known-address
26 information under seal. As to any of the named defendants for whom the Attorney
27 General's Office cannot accept service, the Office shall file, under seal, but shall not
28 serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it

1 has such information. If the last known address of the defendant(s) is a post office box,
2 the Attorney General's Office shall attempt to obtain and provide the last known physical
3 address(es).

4 7. If service cannot be accepted for any of the named defendant(s), Plaintiff
5 shall file a motion identifying the unserved defendant(s), requesting issuance of a
6 summons, and specifying a full name and address for the defendant(s). For the
7 defendant(s) as to which the Attorney General has not provided last-known-address
8 information, Plaintiff shall provide the full name and address for the defendant(s).

9 8. If the Attorney General accepts service of process for any named
10 defendant(s), such defendant(s) shall file and serve an answer or other response to the
11 complaint within sixty (60) days from the date of this order.

12 9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance
13 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion
14 or other document submitted for consideration by the Court. Plaintiff shall include with
15 the original document submitted for filing a certificate stating the date that a true and
16 correct copy of the document was mailed or electronically filed to the defendants or
17 counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff
18 shall direct service to the individual attorney named in the notice of appearance, at the
19 physical or electronic address stated therein. The Court may disregard any document
20 received by a district judge or magistrate judge which has not been filed with the Clerk,
21 and any document received by a district judge, magistrate judge, or the Clerk which fails
22 to include a certificate showing proper service.

23 10. This case is no longer stayed.

24 DATED: 7/2/2019

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27 UNITED STATES MAGISTRATE JUDGE
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