

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 THOMAS BRAND,

7 Plaintiff,

8 v.

9 GREG COX, *et al.*,

10 Defendants.

Case No.: 3:17-cv-00043-MMD-WGC

ORDER

Re: ECF No. 160

11
12 Before the court is Plaintiff's "Motion for Supplemental Discovery – Rule 56 (d)(2) Fed.
13 R. Civ. P." (ECF No. 160). Plaintiff previously filed a Motion to Stay Summary Judgment
14 (ECF No. 158) requesting that briefing be stayed on Defendants' Motion for Summary Judgment
15 (ECF No. 151). The court granted Plaintiff's motion and stayed Defendants' motion for summary
16 judgment until briefing could be completed on Plaintiff's Motion to Stay (ECF No. 159).
17 Defendants did not file a response to Plaintiff's motion to stay, possibly because the court granted
18 the stay a few days after Plaintiff's stay motion was filed. (ECF No. 159.) Nevertheless, no
19 response was filed to the substantive component of Plaintiff's stay motion, i.e., whether additional
20 discovery should be afforded Plaintiff in order to be able to respond to Defendants' motion for
21 summary judgment.

22 On January 6, 2020, Plaintiff filed the "Motion for Supplemental Discovery" (ECF No.
23 160) referred to above. Plaintiff's motion states the supplemental discovery he wants to engage in

1 is “to acquire an Affidavit or Declaration from inmate Kevin Gray No. 62026 and to possibly take
2 photographs at the NNCC Culinary relevant to the statements made by Correctional Officer
3 R. Mullins.” (ECF No. 160 at 2-3.) Plaintiff subsequently states a desire to obtain “exact
4 measurements (survey) . . . to illustrate that Defendant Mullins could not see the Culinary from his
5 office, and demonstrate the exact positions of eye-witnesses as viewed from the video footage . . .
6 a wall is visually present. Alternatively, a schematic diagram could serve to illustrate where the
7 physical attack started” (*Id.* at 4-5.) Defendants filed their opposition to Plaintiff’s motion
8 for supplemental discovery on January 22, 2020 (ECF No. 161); the following day the court
9 scheduled a hearing on Plaintiff’s motion for Rule 56(d) discovery on February 21, 2020 (ECF No.
10 162).

11 **A. Inmate Gray**

12 Although the court will await receipt of Plaintiff’s reply memorandum to Defendants’
13 opposition to rule on the Plaintiff’s motion, it has come to the court’s attention that former Nevada
14 Department of Corrections inmate Kevin Gray from whom Plaintiff seeks to obtain discovery may
15 be deceased. The NDOC website entitled “Inmate Search” states that as of January 27, 2020,
16 inmate Gray’s file is “inactive – death.”¹ Even though the court can take judicial notice of this
17 website page, the court instructs the Office of the Attorney General to contact NDOC and verify
18 this information as to former inmate Gray. If former inmate Gray is deceased, then part of the
19 rationale of Plaintiff’s Motion for Supplemental Discovery is moot.

20 ///

21 ///

22

23 ¹ A copy of the NDOC Inmate Search form for Kevin Gray No. 62026 is attached as Exhibit A.

Search By Offender ID
 Offender ID:

-or-

Search By Demographics
 First Name: Wildcard %
 Last Name: Wildcard %

NOTICE:

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3393. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Scott Kelley. email: sckelley@doc.nv.gov or (775) 887-3309

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

Download Offender Data

[Demographic](#), [Alias](#), [Booking](#), [Parole](#), [Release](#)

Up to date as of 2020-01-27

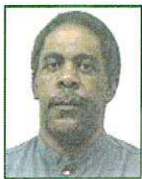
Identification and Demographics

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution	Custody Level	Aliases	Prior Felonies
KEVIN GRAY	62026	Male	BLACK	56	6'1"	205lb	LARGE	DARK	BLACK	BROWN	INACTIVE-DEATH		KEVIN GRAY, KEVIN LEMONT GRAY, BRENT JERMAINE GRAY	YES

Booking Information

Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. PED	Sent. MPR	Sent. County	Sent. PEXD	Sent. Type	Sent. RRD	Sent. Start Date
3560	HABITUAL CRIMINAL (LESSER)	Inactive	8 yr. 0 mo. 0 days	20 yr. 0 mo. 0 days	2016-02-21	2018-08-12	CLARK COUNTY COURTHOUSE	2019-02-13	DETERMINATE		2008-02-22
3476	HABITUAL CRIMINAL (GREATER)	Inactive	0 yr. 120 mo. 0 days		2019-03-16		CLARK COUNTY COURTHOUSE		LIFE WITH PAROLE		2008-03-05

Inmate Photo



Parole Hearing Details Unavailable

EXHIBIT A