UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEVIN ALMY,

Plaintiff,

vs.

MINOR ADAMS et al.,

Defendants.

3:17-cv-00382-RCJ-CBC

ORDER

KEVIN ALMY,

Plaintiff,

vs.

MINOR ADAMS et al.,

Defendants.

3:17-cv-00390-RCJ-WGC

ORDER

In Case No. 3:17-cv-382, Plaintiff Kevin Almy, a prisoner proceeding *in pro se*, sued multiple Defendants under 42 U.S.C. § 1983 for various civil rights violations. Upon screening under 28 U.S.C. § 1915A, the Court dismissed the Complaint, with leave to amend in part. Plaintiff did not amend within 28 days, as ordered. Rather, he appealed, and the Court of Appeals dismissed the appeal for lack of jurisdiction. Upon receiving the Court of Appeals' order, the Magistrate Judge granted Plaintiff another 28 days to amend, increasing the total time to 91 days. Plaintiff again did not timely amend. Rather, nine days after the time to amend

expired the second time, he filed motions to extend time to amend and for the undersigned to recuse. Plaintiff claimed various health issues made him lethargic and impaired his cognitive abilities. The Court denied the motions to recuse. The Court also denied the motion to extend time, because the request was made after time to amend expired, and Plaintiff did not show excusable neglect. The Court dismissed the remaining claims with prejudice.

In Case No. 3:17-cv-390, Plaintiff also sued multiple Defendants under § 1983. Upon screening under § 1915(e),[1] the Court dismissed, with leave to amend within 30 days. On the day amendment was due, Plaintiff filed motions to extend time to amend and for the undersigned to recuse. The motions mirrored those filed in the '382 Case. The Court denied the motion to recuse for the same reason it denied the motion to recuse in the '382 Case but granted the timely motion for an extension of time to amend.

Plaintiff has now filed motions in both cases demanding the Court rule on the previous motions to recuse. Presumably, Plaintiff had not seen the Court's previous order before he dispatched the present motions, which are moot.

CONCLUSION

IT IS HEREBY ORDERED that the Motions (ECF No. 27 in Case No. 3:17-cv-382 and ECF No. 18 in Case No. 3:17-cv-390) are DENIED as moot.

IT IS SO ORDERED.

DATED: This 11th day of March, 2019.

ROBERT C. JONES
United States District Judge

1 Although the allegations related to Plaintiff's time in prison, he was no longer a prisoner at the time of screening, but the Complaint was still subject to screening because he sought to proceed *in forma pauperis*.