Mason v. Woods et	al I	Doc. 11
1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	WILLIE MASON,	Case No. 3:18-cv-00151-RCJ-WGC
4	Plaintiff,	ORDER
5	V.	
6	BRIAN WOODS, <i>et al.</i> ,	
7	Defendants.	
8	This action began with a pro se civil	rights complaint filed pursuant to 42 U.S.C.
9	§ 1983 by a state prisoner. Plaintiff has submitted an application to proceed in forma	
10	pauperis. (ECF No. 1). Based on the financial information provided, the Court finds that	
11	Plaintiff is unable to prepay the full filing fee in this matter.	
12	The Court entered a screening order on June 12, 2019. (ECF No. 6). The	
13	screening order imposed a 90-day stay and the Court entered a subsequent order in	
14	which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos.	
15	6, 8). The Office of the Attorney General has filed a status report indicating that settlement	
16	has not been reached and informing the Court of its intent to proceed with this action.	
17	(ECF No. 10).	
18	For the foregoing reasons, <b>IT IS ORDERED</b> that:	
19	1. Plaintiff's application to proceed in forma pauperis (ECF No. 1) is	
20	<b>GRANTED</b> . Plaintiff shall not be required to pay an initial installment of the filing fee. In	
21	the event that this action is dismissed, the full filing fee must still be paid pursuant to	
22	28 U.S.C. § 1915(b)(2).	
23	2. The movant herein is permitted to maintain this action to conclusion without	
24	the necessity of prepayment of any additional fees or costs or the giving of security	
25	therefor. This order granting leave to proceed <i>in forma pauperis</i> shall not extend to the	
26	issuance and/or service of subpoenas at government expense.	
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3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections 1 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the 2 preceding month's deposits to Plaintiff's account (Willie Mason, #94702), in the months 3 that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this 4 action. The Clerk of the Court shall **SEND** a copy of this order to the Finance Division of 5 the Clerk's Office. The Clerk of the Court shall also SEND a copy of this order to the 6 attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. 7 Box 7011, Carson City, NV 89702. 8

9 4. The Clerk of the Court shall electronically SERVE a copy of this order and
10 a copy of Plaintiff's amended complaint (ECF No. 4) on the Office of the Attorney General
11 of the State of Nevada by adding the Attorney General of the State of Nevada to the
12 docket sheet. This does not indicate acceptance of service.

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

6. Subject to the findings of the screening order (ECF No. 6), within twenty-15 one (21) days of the date of entry of this order, the Attorney General's Office shall file a 16 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it 17 accepts service; (b) the names of the defendants for whom it does not accept service, 18 and (c) the names of the defendants for whom it is filing the last-known-address 19 information under seal. As to any of the named defendants for whom the Attorney 20 General's Office cannot accept service, the Office shall file, under seal, but shall not serve 21 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such 22 information. If the last known address of the defendant(s) is a post office box, the Attorney 23 24 General's Office shall attempt to obtain and provide the last known physical address(es).

7. If service cannot be accepted for any of the named defendant(s), Plaintiff
shall file a motion identifying the unserved defendant(s), requesting issuance of a
summons, and specifying a full name and address for the defendant(s). For the

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defendant(s) as to which the Attorney General has not provided last-known-address
 information, Plaintiff shall provide the full name and address for the defendant(s).

8. If the Attorney General accepts service of process for any named
defendant(s), such defendant(s) shall file and serve an answer or other response to the
amended complaint (ECF No. 4) within sixty (60) days from the date of this order.

9. Plaintiff shall serve upon defendant(s) or, if an appearance has been 6 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other 7 document submitted for consideration by the Court. Plaintiff shall include with the original 8 document submitted for filing a certificate stating the date that a true and correct copy of 9 the document was mailed or electronically filed to the defendants or counsel for the 10 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service 11 to the individual attorney named in the notice of appearance, at the physical or electronic 12 address stated therein. The Court may disregard any document received by a district 13 judge or magistrate judge which has not been filed with the Clerk, and any document 14 received by a district judge, magistrate judge, or the Clerk which fails to include a 15 certificate showing proper service. 16

10. This case is no longer stayed.

DATED: August 7, 2019.

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Witten G. Cobb UNITED STATES MAGISTRATE JUDGE

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