v. Baca et al		Doc. 11	
1	UNITED STATES DISTRICT COURT		
2	DISTRICT OF NEVADA		
3	ROBERT E. PARKES,	Case No. 3:18-cv-00263-MMD-CBC	
4	Plaintiff,	ORDER	
5 6	v. ISIDRO BACA et al.,		
7	Defendants.		
8			
9	This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. §		
10	1983 by a state prisoner. Plaintiff has submitted an application to proceed in forma		
11	pauperis. (ECF No. 1). Based on the financial information provided, the Court finds that		
12	Plaintiff is unable to prepay the full filing fee in this matter.		
13	The Court entered a screening order on August 8, 2019. (ECF No. 4). The		
14	screening order imposed a 90-day stay and the Court entered a subsequent order in		
15		ch the parties were assigned to mediation by a court-appointed mediator. (ECF Nos.	
16	4, 7). The Office of the Attorney General has filed a status report indicating that settlement		
17		were assigned to mediation by a court-appointed mediator. (ECF Nos. If the Attorney General has filed a status report indicating that settlement ched and informing the Court of its intent to proceed with this action.	
18	(ECF No. 10).		
19	For the foregoing reasons, IT IS ORDERED that:		
20	1. Plaintiff's application to proceed in forma pauperis (ECF No. 1) is		
21	GRANTED . Plaintiff shall not be required to pay an initial installment of the filing fee. In		
22	the event that this action is dismissed, the full filing fee must still be paid pursuant to 28		
23	U.S.C. § 1915(b)(2).		
24	2. The movant herein is permitted to maintain this action to conclusion without		
25	the necessity of prepayment of any additional fees or costs or the giving of security		
26	therefor. This order granting leave to proceed in forma pauperis shall not extend to the		
27	issuance and/or service of subpoenas at government expense.		
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Parkes

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 (Robert E. Parkes, #83736), in the 3 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid 4 for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance 5 Division of the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this order 6 to the attention of the Chief of Inmate Services for the Nevada Department of Corrections, 7 P.O. 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 complaint (ECF No. 5) on the Office of the Attorney General of the
11 State of Nevada by adding the Attorney General of the State of Nevada to the docket
12 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. 4), 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 21 General's Office cannot accept service, the Office shall file, under seal, but shall not serve 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 General's Office shall attempt to obtain and provide the last known physical address(es). 24

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
complaint (ECF No. 5) 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

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10. This case is no longer stayed.

DATED: October 31, 2019.

UNITED STATE

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