

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 CHARLIE D. JACKSON,

Case No.: 3:20-cv-00511-MMD-WGC

4 Plaintiff

Order

5 v.
6 GARRETT, et. al.,

Re: ECF No. 13

7 Defendants

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9 Before the court is Plaintiff's Emergency Request for Ruling on Motion for Preliminary
10 Injunction. (ECF No. 13.)11 On December 29, 2020, the court issued its screening order in this case allowing Plaintiff
12 to proceed with his Eighth Amendment deliberate indifference to serious mental health needs
13 claim against defendants Carol and Azzam based on allegations that he suffers from depression
14 which is exacerbated in isolation, as well as suicidal ideations, and he is not receiving adequate
15 mental health treatment at Lovelock Correctional Center (LCC). He was also allowed to proceed
16 with a retaliation claim against Doe prison officials (when he learns their identities) based on
17 allegations that they have prevented his transfer to Northern Nevada Correctional Center
18 (NNCC) because he has filed lawsuits against them. (ECF No. 11.) The court stayed the action
19 for 90-days to allow the parties to participate in the court's inmate early mediation conference
20 (EMC) program, and directed the Attorney General's Office to advise the court within 21-days
21 whether it would enter a limited notice of appearance on behalf of Defendants for purposes of
22 settlement. (*Id.* at 10.)

1 Before the screening order was entered, Plaintiff filed a motion for preliminary injunction
2 seeking an order transferring him to NNCC for mental health care. He contends that the transfer
3 had been approved, but is being delayed due to Covid-19, and he is not receiving adequate
4 mental health care at LCC. (ECF No. 10.) The screening order deferred a decision on the motion
5 for preliminary injunction to give the parties a chance to reach a resolution at the EMC. (ECF
6 No. 11 at 9.)

7 The Attorney General's Office has not yet entered a limited notice of appearance, and so
8 the case has not yet been set for an EMC. In the interim, Plaintiff filed this emergency motion
9 requesting a ruling on his motion for preliminary injunction, asserting that he is suffering in
10 psychological distress and is experiencing suicidal ideation while his transfer to NNCC is being
11 delayed. The motion seeks an immediate hearing on the motion for preliminary injunction. (ECF
12 No. 13.)

13 Insofar as Plaintiff requests an expedited hearing on his motion for preliminary
14 injunction, his motion (ECF No. 13) is **GRANTED**. The Clerk of Court shall electronically
15 **SERVE** a copy of this Order on the Office of the Attorney General of the State of Nevada. This
16 does not indicate acceptance of service. The Attorney General's Office shall advise the court by
17 **5:00 p.m. on Wednesday January 13, 2021**, whether it will enter a limited notice of appearance
18 on behalf of Defendants for the purpose of responding to Plaintiff's motion for preliminary
19 injunction (ECF No. 10). No defenses or objections, including lack of service, will be waived as
20 a result of the filing of the limited notice of appearance.

21 Assuming a limited notice of appearance is entered, the court will schedule an expedited
22 telephonic hearing on Plaintiff's motion for preliminary injunction. The Attorney General's
23 Office shall be prepared to discuss (and have an appropriate and knowledgeable client

1 representative present) at the hearing whether Plaintiff is receiving mental health care at LCC,
2 and if so the extent of such care, as well as the status of his transfer to NNCC. The court may
3 also order the Attorney General's Office to file under seal Plaintiff's *relevant* mental health
4 records in advance of the hearing.

5 **IT IS SO ORDERED.**

6 Dated: January 8, 2021

7 
8 William G. Cobb
9 United States Magistrate Judge

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