

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

3 CHARLIE D. JACKSON,

4                   Plaintiff

5 v.

6 GARRETT, et. al.,

7                   Defendants  
8

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

**Order**

Re: ECF No. 13

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10           Before the court is Plaintiff's Emergency Request for Ruling on Motion for Preliminary  
11 Injunction. (ECF No. 13.)

12           On December 29, 2020, the court issued its screening order in this case allowing Plaintiff  
13 to proceed with his Eighth Amendment deliberate indifference to serious mental health needs  
14 claim against defendants Carol and Azzam based on allegations that he suffers from depression  
15 which is exacerbated in isolation, as well as suicidal ideations, and he is not receiving adequate  
16 mental health treatment at Lovelock Correctional Center (LCC). He was also allowed to proceed  
17 with a retaliation claim against Doe prison officials (when he learns their identities) based on  
18 allegations that they have prevented his transfer to Northern Nevada Correctional Center  
19 (NNCC) because he has filed lawsuits against them. (ECF No. 11.) The court stayed the action  
20 for 90-days to allow the parties to participate in the court's inmate early mediation conference  
21 (EMC) program, and directed the Attorney General's Office to advise the court within 21-days  
22 whether it would enter a limited notice of appearance on behalf of Defendants for purposes of  
23 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

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8 William G. Cobb

9 United States Magistrate Judge  
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