

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 TOMMIE LEE MCDOWELL, JR.,

Case No. 3:22-cv-00166-MMD-CLB

5 Plaintiff,

ORDER

6 v.

7 DENNIS HOMAN, et al.,

8 Defendants.

9 This action began with a *pro se* civil-rights complaint filed under 42 U.S.C. § 1983
10 by a state prisoner. Plaintiff has paid the full filing fee in this matter. (ECF No. 6). The
11 Court entered screening orders on June 7 and July 28, 2022. (ECF Nos. 7, 12). The
12 second screening order imposed a 90-day stay and the Court entered a subsequent order
13 in which the parties were assigned to mediation by a court-appointed mediator. (ECF
14 Nos. 12, 16). The Court entered a third screening order on September 27, 2022. (ECF
15 No. 19). The Office of the Attorney General recently filed a status report indicating that
16 settlement has not been reached and informing the Court of its intent to proceed with this
17 action. (ECF No. 22).

18 **IT IS THEREFORE ORDERED** that:

19 1. The Clerk of the Court will electronically **SERVE** a copy of this order and a
20 copy of Plaintiff's Second Amended Complaint (ECF No. 20) on the Office of the Attorney
21 General of the State of Nevada, by adding the Attorney General of the State of Nevada
22 to the docket sheet. This does not indicate acceptance of service.

23 2. Service must be perfected within 90 days of the entry date of this order
24 under Federal Rule of Civil Procedure 4(m).

25 3. Subject to the findings of the screening order (ECF No. 19), within **21 days**
26 of the entry date of this order, the Attorney General's Office will file a notice advising the
27 Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the
28 names of the defendants for whom it does not accept service, and (c) the names of the

1 defendants for whom it is filing the last-known-address information under seal. As to any
2 of the named defendants for whom the Attorney General's Office cannot accept service,
3 the Office will file, *under seal*, but will not serve the inmate Plaintiff the last known
4 address(es) of those defendant(s) for whom it has such information. If the last known
5 address of the defendant(s) is a post office box, the Attorney General's Office will attempt
6 to obtain and provide the last known physical address(es).

7 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
8 will file a motion identifying the unserved defendant(s), requesting issuance of a
9 summons, and specifying a full name and address for the defendant(s). For the
10 defendant(s) as to which the Attorney General has not provided last-known-address
11 information, Plaintiff will provide the full name and address for the defendant(s).

12 5. If the Attorney General accepts service of process for any named
13 defendant(s), such defendant(s) will file and serve an answer or other response to the
14 Second Amended Complaint (ECF No. 20) within **60 days** of the entry date of this order.

15 6. Plaintiff will serve upon defendant(s) or, if an appearance has been entered
16 by counsel, upon their attorney(s), a copy of every pleading, motion or other document
17 submitted for consideration by the Court. If Plaintiff electronically files a document with
18 the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P.
19 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the
20 document to the Court, Plaintiff will include with the original document submitted for filing
21 a certificate stating the date that a true and correct copy of the document was mailed to
22 the defendants or counsel for the defendants. If counsel has entered a notice of
23 appearance, Plaintiff will direct service to the individual attorney named in the notice of
24 appearance, at the physical or electronic address stated therein. The Court may
25 disregard any document received by a district judge or magistrate judge that has not been
26 filed with the Clerk, and any document received by a district judge, magistrate judge, or
27 the Clerk which fails to include a certificate showing proper service when required.

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7. This case is no longer stayed.

DATED THIS 21st day of November 2022.


UNITED STATES MAGISTRATE JUDGE