

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 DAVID THOMPSON,

Case No. 3:23-cv-00341-MMD-CSD

5 Plaintiff,

ORDER

6 v.

7 PERRY RUSSELL, *et al.*,

8 Defendants.

9 Plaintiff filed a notice that he is hearing impaired and requesting that fellow inmate
10 William R. Lyons be present to help him during hearings and conferences in this action,
11 including the mediation conference scheduled for May 14, 2024. (ECF No. 8). Interested
12 Party Nevada Department of Corrections (“NDOC”) timely objected to Plaintiff’s request
13 for Lyons’s assistance, arguing it raises confidentiality, conflict, and unlawful-practice-of-
14 law concerns. (ECF No. 15). The NDOC highlights that Lyons is not an attorney and is
15 pursuing his own civil-rights action about the incident that is at issue in this action. (*Id.* at
16 3–4). But the NDOC agrees to accommodate Plaintiff’s hearing impairment at the
17 mediation conference in three ways.

18 First, Plaintiff will be offered a new pair of hearing aids, which should arrive before
19 the conference. (ECF No. 15-1 at 3). Second, Plaintiff will be placed in a quiet room for
20 the mediation conference. (*Id.*) Third, Plaintiff will have access to a landline telephone
21 that he can use during the mediation conference if he is unable to hear the Zoom video
22 call audio. (*Id.*)

23 The NDOC raises legitimate concerns about permitting Lyons to assist Plaintiff in
24 this action. And the solutions it proposes appear reasonably calculated to accommodate
25 Plaintiff’s hearing disability during the mediation conference.

26 It is therefore ordered that the NDOC’s objection to Plaintiff’s request to have fellow
27 inmate William Lyons present to help him during hearings and conferences in this action
28 (ECF No. 15) is sustained, and Plaintiff’s request for that relief (ECF No. 8) is denied.

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It is further ordered that Plaintiff will participate in the mediation conference without assistance from a fellow inmate, however, the NDOC will accommodate Plaintiff's hearing impairment by offering him a new pair of hearing aids before the conference and placing him in a quiet room with access to a landline telephone during the conference.

DATED THIS 8th day of May 2024.


UNITED STATES MAGISTRATE JUDGE