

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 MARK MILLER,

Case No. 3:23-cv-00370-ART-CSD

5 Plaintiff,

ORDER

6 v.

7 DOCTOR BARRET, et al.,

8 Defendants.

9 This is a civil-rights action under 42 U.S.C. § 1983 by state prisoner Mark Miller.
10 The Court entered orders screening Plaintiff's complaint, allowing claims to proceed,
11 staying this action for 90 days, and referring it to the Court's inmate mediation program.
12 (ECF Nos. 8, 10). Plaintiff has filed a notice stating that he breathes and speaks through
13 a tracheostomy tube that is surgically implanted in his neck. (ECF No. 11). Speaking for
14 Plaintiff is painful, and it "is virtually impossible" for people to understand him, including
15 prison medical staff. (*Id.* at 1–2). Plaintiff explains that he communicates by writing, and
16 his speaking condition prevented him from meaningfully participating in mediation of
17 another matter. (*Id.* at 2). He asks the Court to allow fellow inmate Roger Davis, #23363,
18 to be present to verbalize his writings during the mediation conference scheduled for June
19 7, 2024. (*Id.* at 2–3). The Court will provide Interested Party Nevada Department of
20 Corrections ("NDOC") an opportunity to object to Plaintiff's request, if it wishes to do so.

21 It is therefore ordered that the NDOC has **until May 16, 2024**, to file an objection
22 to Plaintiff's request to have an inmate helper present during the mediation conference
23 (ECF No. 11). Plaintiff may not file a reply.

24 If the NDOC timely files an objection, the Court will enter an order, set the matter
25 for hearing, or both. But if the NDOC does not timely object, the Court will allow Plaintiff
26 to have Roger Davis present to help him during the mediation conference without further

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prior order, and the NDOC must make the appropriate arrangements to effectuate that accommodation.

DATED THIS 9th day of May 2024.


UNITED STATES MAGISTRATE JUDGE