

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JUSTIN MANITTA,	:	CIVIL ACTION NO. 13-420 (MLC)
	:	
Plaintiff,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE DEFENDANT COUNTY OF HUNTERDON** sought summary judgment in its favor. (See dkt. entry no. 21, Notice of Mot.) The plaintiff stated in response:

With regard to the motion for summary judgment filed on behalf of the County of Hunterdon . . . , the plaintiff will not be responding. We submit that a prima facie case cannot be made against the County of Hunterdon, therefore we agree to dismiss them as a defendant.

(Dkt. entry no. 31, Pl. Br. at 1-2.)

**THE COUNTY OF HUNTERDON** thereafter filed a letter (“Letter”) acknowledging that the plaintiff did not oppose its motion, pointing out that no opposition to its motion had been filed by any of the other defendants, and asking the Court to dismiss all claims asserted against it. (See dkt. entry no. 32, 8-18-2014 County of Hunterdon Letter at 1.) More than two months have elapsed since the County of Hunterdon filed the Letter; no party has contested the Letter’s assertions.

**THE COURT** thus intends to (1) dismiss all claims asserted against the County of Hunterdon, (2) terminate the action insofar as it concerns all claims brought against the

County of Hunterdon, and (3) deny the motion for summary judgment by the County of Hunterdon as moot.

**THE COURT** also notes that the defendants Borough of Flemington, Flemington Borough Police Department, Flemington Borough Chief of Police George A. Becker, Det. Mariaschin, Ptl. Officer Jerry Rotella, Jr., and Ptl. Officer Jonathan A. Sellner (“Flemington Defendants”) have filed duplicate copies of their motion for summary judgment. (Compare dkt. entry no. 25, Flemington Defs. Notice of Mot., and dkt. entry no. 26, Flemington Defs. Br., and dkt. entry no. 26-1, Flemington Defs. Certification, with dkt. entry no. 27, Flemington Defs. Notice of Mot., and dkt. entry no. 27-1, Flemington Defs. Br., and dkt. entry no. 27-2, Flemington Defs. Certification.)

**THE COURT HAS** the inherent power to control the docket. See Landis v. N. Am. Co., 299 U.S. 248, 254 (1936); Rolo v. Gen. Dev. Corp., 949 F.2d 695, 702 (3d Cir. 1991). Thus, the Court intends to terminate Docket Entry No. 25 as being duplicative. Docket Entry No. 27 will remain pending, and the Court will refer to the papers filed thereunder in separately addressing the relief sought by the Flemington Defendants on the merits.

**THE COURT** will enter an appropriate order.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: October 27, 2014