

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TONY EUGENE GRIMES, #148 206,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO.: 3:10-CV-746-TMH
)	
GARY HETZEL, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

On April 30, 2013 Petitioner erroneously filed a motion to dismiss. (*Doc. No 63.*) This motion is not properly before the court as Petitioner submitted it without permission of the court. (*See Doc. No. 4, pg. 6* - “**no motion for summary judgment, motion to dismiss or any other dispositive motions . . . be filed by any party without permission of the court.**”). The aforementioned order further directed that “[i]f any pleading denominated as a . . . dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” (*Id.*) Accordingly, it is

ORDERED that the motion to dismiss (*Doc. No. 63*) be stricken from the file for non-compliance with the order of September 13, 2010.¹

¹Even if Petitioner submitted a request for leave to file a dispositive motion the court would not be inclined to grant the request at this juncture in the proceedings especially where said request is filed more than two years after the instant action was filed as well as after entry of the March 19, 2013 Recommendation of the Magistrate Judge recommending denial of the petition.

Done, this 2nd day of May 2013.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE