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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Scott Huminski,

10 Plaintiff,

11 v.

12 Hector Heredia, et al.,

13 Defendants.

No. CV11-0896 PHX DGC

ORDER

14 Plaintiff Scott Huminski has filed a Renewed Motion for Partial Summary
15 Judgment. Doc. 75. The motion attempts to renew a motion previously denied by this
16 Court. Doc. 42. The Federal Rules of Civil Procedure and Local Rules of this Court
17 contain no provision for a “renewed motion.” The Court will construe Plaintiff’s motion
18 as a request for reconsideration of the Court’s prior ruling. Because the motion sets forth
19 no basis for reconsideration, it will be denied.

20 Plaintiff’s motion to correct the caption of this case (Doc. 76) will be granted. The
21 Clerk will be directed to correct the caption to reflect the name “Heredia.”

22 Plaintiff has filed a Motion for Clarification or Findings of Law. Doc. 82. The
23 motion is denied. The Court’s previous orders are sufficiently clear.

24 Plaintiff has filed a Motion to Stay Scheduling Order. Doc. 87. The motion is
25 denied. The Case Management Order (Doc. 58) remains in effect.

26 Defendants have filed a “stipulation” for dismissal of this case. Doc. 85. The
27 stipulation does not bear Plaintiff’s signature, and the Court does not construe Plaintiff’s
28 other filing (Doc. 83) as consenting to dismissal.

1 The Court has received Plaintiff's "Conditional Stipulation to Dismissal."
2 Doc. 88. Plaintiff offers to dismiss this case if the "law of the case" is that the email in
3 question was a suggestion and not an order. The Court's ruling on this issue was made in
4 the context of Plaintiff's request for preliminary injunctive relief. Doc. 68. The Court
5 concluded that Plaintiff was not likely to succeed on the merits. *Id.* Such a determination
6 does not constitute a final conclusion of law in the case. As a result, the Court construes
7 Plaintiff's "Conditional Stipulation" as not consenting to dismissal.

8 **IT IS ORDERED:**

- 9 1. Plaintiff's Renewed Motion for Partial Summary Judgment (Doc. 75) is
10 **denied.**
- 11 2. Plaintiff's Motion to Correct Caption (Doc. 76) is **granted.** The clerk shall
12 correct the caption of this case to reflect the correct spelling of Heredia.
- 13 3. Plaintiff's Motion for Clarification or Findings of Law (Doc. 82) is **denied.**
- 14 4. Plaintiff's Motion to Stay Scheduling Order (Doc. 87) is **denied.**
- 15 5. The Court will not dismiss this case on the basis of Defendants' stipulation
16 (Doc. 85) or Plaintiff's conditional stipulation (Doc. 88). The clerk is
17 directed to terminate these stipulations.

18 Dated this 16th day of December, 2011.

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23 David G. Campbell
24 United States District Judge
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