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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Anthony Merrick,

10 Plaintiff,

11 v.

12 Inmate Legal Services, et al.,

13 Defendants.  
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No. CV-13-01094-PHX-SPL (BSB)

**ORDER**

15 This matter is before the Court on its own review. Plaintiff commenced this civil  
16 rights action pursuant to 42 U.S.C. § 1983 on May 30, 2013 (Doc. 1) and filed an  
17 amended complaint on September 8, 2013. (Doc. 8.) The Court directed Defendant  
18 Lillie to answer, in part, Plaintiff's amended complaint. (Doc. 10.) After Defendant  
19 Lillie filed an answer (Doc. 12), the Court issued a Scheduling Order setting a June 23,  
20 2014 discovery deadline and an August 20, 2014 dispositive motion deadline. (Doc. 14  
21 at 1-3.) The day after the Court issued the Scheduling Order, Plaintiff filed a motion for  
22 summary judgment and a statement of facts. (Docs. 15 and 16.)


23 Plaintiff filed his motion for summary judgment over five months before the  
24 discovery deadline, and seven months before the dispositive motion deadline.  
25 Considering the procedural posture of this case at the time Plaintiff filed his motion for  
26 summary judgment, that motion was prematurely filed and the Court denies it without  
27 prejudice to refile by the August 20, 2014 deadline.

28 Accordingly,

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**IT IS ORDERED** that Plaintiff's Motion for Summary Judgment (Doc. 15) is **DENIED** as premature without prejudice to refiling.

Dated this 3rd day of July, 2014.

  
Honorable Steven P. Logan  
United States District Judge