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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

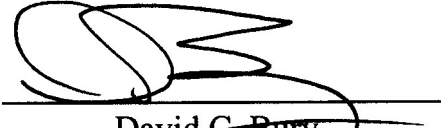
Derrick Lee Billups, )  
 ) CV-06-1014-DCB P  
Plaintiff, )  
 )  
vs. )  
 ) **ORDER**  
Sergeant Lomeli, et al., )  
 )  
Defendants. )  
 )

On July 9, 2009, Plaintiff filed a Motion for Summary Judgment. Defendant had just filed an Answer on June 30, 2009 and the Court did not enter a Scheduling Order until July 13, 2009. Pursuant to the Scheduling Order, the parties have through January 2010 to complete discovery and dispositive motions are not due to be filed until March 2010.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 36) is denied without prejudice to refileing at a future time after the completion of discovery.

DATED this 25<sup>th</sup> day of August, 2009.

  
David C. Bury  
United States District Judge