

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER S. RIDER,

CASE NO. 1:07-cv-01516-SMS PC

Plaintiff,

ORDER DENYING DEFENDANTS'
MOTION TO STRIKE PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
OR, ALTERNATIVELY EXTEND TIME
FOR DEFENDANTS TO FILE OPPOSITION
AS MOOT

v.

JAMES YATES, et al.,

Defendants.

(Doc. 45)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Christopher S. Rider, a state prisoner proceeding pro se and in forma pauperis. This action is proceeding on Plaintiff's amended complaint, filed June 12, 2008, against Defendant Cano for use of excessive force and against Defendant Kahn for denial of medical care, in violation of the Eighth Amendment. Pursuant to the scheduling order, the deadline for filing pretrial dispositive motions passed on May 11, 2010. On December 10, 2009, Plaintiff filed his second motion for summary judgment, which consisted only of a narrative. On December 28, 2009, Defendants filed a motion to strike Plaintiff's motion for summary judgment, or, alternatively, extend time for Defendants to file opposition. (Doc. 45.) On February 5, 2010, Plaintiff's second motion for summary judgment, filed December 10, 2009, was stricken from the record on the ground that it was procedurally deficient. (Doc. 51.)

Since Plaintiff's motion for summary judgment upon which Defendants' request is made has been stricken from the record, Defendants' motion to strike Plaintiff's motion for summary judgment, or, alternatively, extend time for Defendants to file opposition is moot.

1 Accordingly, IT IS HEREBY ORDERED that Defendants' motion to strike Plaintiff's motion
2 for summary judgment, or, alternatively, extend time for Defendants to file opposition, filed
3 December 28, 2009, is DENIED as moot.

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7 IT IS SO ORDERED.

8 **Dated: April 27, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE