

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

KELVIN X. SINGLETON,

1:08-cv-00095-AWI-GSA-PC

Plaintiff,

v.

ORDER GRANTING REQUEST TO RENEW  
MOTION FOR SUMMARY JUDGMENT  
(Doc. 118.)

A. HEDGEPATH, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff Kelvin X. Singleton (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On December 2, 2010, Plaintiff filed a motion to renew his motion for summary judgment. (Doc. 118.)

As Plaintiff reminds the court, the court's order of November 8, 2010 denied Plaintiff's prior motion for partial summary judgment as premature because it was filed before Defendants had a realistic opportunity to conduct discovery. (Doc. 99.) The court denied the prior motion without prejudice to renewal of the motion at a later stage of the proceedings. *Id.* The deadline for conducting discovery in this action expired on November 30, 2010. Therefore, good cause appearing, Plaintiff's request to renew his motion for summary judgment shall be granted. Plaintiff is advised that the renewed motion must be complete in itself, without reference to the prior motion. Plaintiff must file the renewed motion on or before the deadline in this action for the parties to file pretrial dispositive motions.

1 Plaintiff also requests the court to issue an order requiring defendants to file a response to  
2 Plaintiff's renewed motion. Defendants are not required to respond to the renewed motion until  
3 after Plaintiff has filed it. Local Rule 230(l). Therefore, this request is denied.

4 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's request to renew his motion for summary judgment, filed on December  
6 2, 2010, is GRANTED;
- 7 2. Plaintiff is GRANTED leave to file a new motion for summary judgment, on or  
8 before the deadline to file pretrial dispositive motions;<sup>1</sup> and
- 9 3. Plaintiff's request for a court order requiring defendants to respond to his renewed  
10 motion is DENIED without prejudice.

11 IT IS SO ORDERED.

12 **Dated: December 15, 2010**

13 /s/ Gary S. Austin  
14 UNITED STATES MAGISTRATE JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 

---

<sup>1</sup>The current deadline for the parties to file pretrial dispositive motions is February 7, 2011, pursuant to the court's scheduling order of March 31, 2010. (Doc. 47.)