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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICKY W. JAMES,

Plaintiff,

v.

J. WILBER, et al.,

Defendants.

CASE NO. 1:08-cv-00351-SKO PC

ORDER STRIKING MOTION

(Doc. 95)

Plaintiff Ricky W. James, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 12, 2008. This matter is set for jury trial on January 15, 2013.

On November 26, 2012, Plaintiff filed what he entitled a motion for summary judgment, although the motion is virtually identical to Plaintiff’s previously-filed pretrial statement. The deadline for filing pretrial dispositive motions expired almost two years ago, and Plaintiff’s motion is therefore ORDERED STRICKEN from the record as untimely.¹ (Doc. 57.)

IT IS SO ORDERED.

Dated: November 27, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Although the Court declines to consider the procedural sufficiency or the merits of Plaintiff’s motion given that it was not timely filed, the Court notes that the Ninth Circuit found there exist triable issues of fact in this case. (Doc. 71.)