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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Phillip W. Dunn,)
)
 Plaintiff,)
)
 v.)
)
 Matthew Cate, et. al.,)
)
 Defendants.)
 _____)

1:08-cv-00873-NVW

ORDER

Before the Court is Plaintiff's Motion for Summary Judgment (doc. # 39) and Defendants' Motion for Continuance of Summary Judgment Proceedings (doc. # 46), which seeks a continuance of their time to respond to Plaintiff's Motion for Summary Judgment until after discovery is completed. Defendants' motion is well taken and would be granted, except that Plaintiff's Motion for Summary Judgment must be summarily denied for failure to comply with the requirement of Local Rule 56-260 that it include a separate statement of undisputed fact relied upon for the motion, and include particular portions of the record or evidence supporting each such statement of facts. Defendants should not have to respond to such an improper motion.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Summary Judgment (doc. # 39) is denied for failure to comply with Local Rule 56-260, without prejudice to

1 filing a motion for summary judgment in compliance with Local Rule 56-260 after the
2 completion of all discovery on June 11, 2010, and no later than the July 9, 2010 deadline for
3 filing dispositive motions. (Doc. # 35.)

4 IT IS FURTHER ORDERED that Defendants' Motion for Continuance of Summary
5 Judgment Proceedings (doc. # 46) is denied as moot.

6 DATED this 12th day of April, 2010.

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Neil V. Wake
United States District Judge