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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Clyde Brown,
Plaintiff,
vs.
D. Adams, et al.,
Defendants.

No. CV 1-08-1116-PHX-MHM

ORDER

Pending before the Court is Plaintiff’s Motion Requesting Reply (Response) to Petitioner Brown’s Summary Judgment. (Doc. # 41) On February 22, 2010, Plaintiff filed a 108-page Motion for Summary Judgment. (Doc. # 38) Thereafter, on March 11, 2010, Defendants filed an Opposition to Motion for Summary Judgment, arguing that the Court should deny Plaintiff’s motion because he failed to include a separate statement of undisputed material facts with citations to evidence to support these facts as required by Local Rule 260(a). (Doc. # 39)

The Court will not deny Plaintiff’s summary judgment motion on this basis but will require Plaintiff to submit a revised Motion for Summary Judgment “accompanied by a ‘Statement of Undisputed Facts’ that shall enumerate discretely each of the specific material facts relied upon in support of the motion and cite the particular portions of any pleading,

1 affidavit, deposition, interrogatory answer, admission, or other document relied upon to
2 establish that fact” See Local Rule 260(a).

3 Accordingly,

4 **IT IS ORDERED** directing Plaintiff to submit a revised Motion for Summary
5 Judgment accompanied by a separate statement of undisputed material facts with citations
6 to specific evidence to support each fact within 30 days of the date of this order.


7 In light of the Court’s ruling above,

8 **IT IS FURTHER ORDERED** dismissing Plaintiff’s Motion for Summary Judgment
9 with leave to re-file as ordered above. (Doc. # 38)

10 **IT IS FURTHER ORDERED** denying Plaintiff’s Motion Requesting Reply
11 (Response) to Petitioner Brown’s Summary Judgment. (Doc. # 41)

12 DATED this 18th day of May, 2010.

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Mary H. Murgula
United States District Judge