

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
Fresno Division**

ANTHONY DAVIS
CDCR #T-48683,

Plaintiff,

vs.

A. LYNN, et al.,

Defendants.

Civil No. 1:08cv1245 BTM (BLM)

**ORDER DENYING DEFENDANTS’
REQUEST FOR COURT ORDER**

[Doc. No. 26]

On June 14, 2010, Defendants filed a “Request for Court Order.” [Doc. No. 26]. In this request, Defendants indicate that, upon reviewing the Court’s docket, they are unable to locate “any order providing a summary of the law governing Plaintiff’s obligations with respect to a motion for summary judgment.” *See* Req. at 2. Therefore, the Defendants “respectfully request that the court issue an order containing this summary before the July 15, 2010 dispositive motion deadline.” *Id.*

The Court is fully aware of its obligations with respect to the Ninth Circuit Court of Appeal rulings in *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) and *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988). However, Defendants have not filed a Motion for Summary Judgment nor have they notified the Court of their intention to file a Motion for Summary

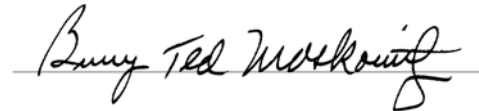
1 Judgment. If Defendants file a Motion for Summary Judgment, the Court will issue the
2 appropriate Order. Until that time, Defendants' request is premature and therefore, it is
3 DENIED.

4 **IT IS SO ORDERED.**

5

6 DATED: June 21, 2010

7



8

Honorable Barry Ted Moskowitz
United States District Judge

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28