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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MATTHEW B. CRAMER,

Plaintiff,

v.

TARGET CORPORATION, et al.,

Defendants.

CASE NO. 1:08-cv-01693-OWW-SKO

**ORDER VACATING DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT
FROM COURT'S CALENDAR PENDING
PLAINTIFF'S DEADLINE TO RENEW HIS
FRCP 56(f) MOTION**

(Doc. 92, 127)

On July 6, 2010, Defendants Wheatly and Heller filed a motion for summary judgment, and on September 16, 2010, Defendant Barrios filed a motion for summary judgment. (Doc. 92, 127.) Plaintiff filed an opposition to both motions that the Magistrate Judge deemed to include a Fed. R. Civ. Pro. 56(f) motion to continue or deny the summary judgment motions as premature.

On February 11, 2011, the Magistrate Judge issued an order denying Plaintiff's Rule 56(f) motion without prejudice, allowing Plaintiff 30 days to renew the motion. (Doc. 147.) Due to the time necessary to allow (1) Plaintiff to renew his Rule 56(f) motion, resolved in a separate order; (2) Defendants to file a response to the renewed Rule 56(f) motion, if any; and (3) the Magistrate Judge to issue Findings and Recommendations regarding Defendants' motions for summary judgment, the Court cannot yet rule on the motions for summary judgment.

1 Therefore, in light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, Defendants’
2 motions for summary judgment are DEEMED VACATED from the Court’s calendar until Plaintiff
3 files a renewed Rule 56(f) motion and Defendants’ response, if any, is timely filed.¹

4 IT IS SO ORDERED.

5 **Dated: February 14, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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27 ¹ The Court’s action is purely administrative and the parties need take no further action. Once the deadline for
28 Plaintiff to renew his Rule 56(f) motion has expired and any opposition thereto has been filed, the Magistrate Judge will
issue and submit Findings and Recommendations regarding the Defendants’ summary judgment motions to the Court
for decision.