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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DONTE ROLANDO HARRIS,  
Plaintiff,  
v.  
H. A. RIOS, et al.,  
Defendants.

Case No. 1:09-cv-00781-MJS (PC)  
**ORDER GRANTING DEFENDANTS’  
MOTION TO STRIKE PLAINTIFF’S  
MOTION FOR SUMMARY JUDGMENT  
(ECF No. 96)**

Plaintiff Donte Rolando Harris, a federal prisoner proceeding pro se, filed this civil rights action on April 27, 2009 pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Before the Court is Defendants’ October 21, 2013 motion to strike (ECF No. 96) Plaintiff’s motion for summary judgment filed (ECF No. 95.) Defendants argue Plaintiff’s summary judgment motion is untimely because it was filed after the September 9, 2013 deadline for filing dispositive motions. Plaintiff has filed a statement of non-opposition to Defendants’ motion. (ECF No. 101.)

Defendants’ unopposed motion to strike shall be granted. Plaintiff’s summary judgment motion was filed after the September 9, 2013 deadline for dispositive motions (see ECF No. 70) and without the Court’s authorization. It is stricken on that basis. Local Rule 110.

Accordingly, for the reasons stated, Defendants’ motion to strike (ECF No. 96) is

1 GRANTED and Plaintiff's motion for summary judgment (ECF No. 95) is hereby STRIKEN  
2 from the record.

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IT IS SO ORDERED.

Dated: December 7, 2013

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE