

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

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

CASE NO. 1:09-cv-00781-LJO-MJS (PC)
**ORDER (1) GRANTING DEFENDANTS'
MOTION TO STRIKE (ECF No. 128), AND
(2) STRIKING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT (ECF No. 127)**

Plaintiff is a federal prisoner proceeding pro se in this civil rights action filed April 27, 2009 pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The action proceeds on Plaintiff's First Amendment claim against Defendants Gonzaga, Cobb, Zaragoza, and Valero for delay in delivery of incoming seized mail; his First Amendment claim against Defendant Cobb for interception and seizure of outgoing mail; and his Fifth Amendment due process claim against Defendants Estrada, Cobb, Valero, and Zaragoza for failing to provide notice his mail was seized. All parties have consented to the jurisdiction of a Magistrate Judge for all purposes in accordance with 28 U.S.C. § 636(b)(1)(B).

1 On April 27, 2015, Plaintiff filed a motion for summary judgment. (ECF No. 127.)
2 On April 28, 2015, Defendants filed a motion to strike Plaintiff's motion as untimely. (ECF
3 No. 128.)

4 The deadline for filing dispositive motions was September 9, 2013, more than
5 nineteen months ago. (ECF No. 70.) Trial in this matter is set to commence June 2,
6 2015. (ECF No. 124.) Plaintiff presents no reason why he should be permitted to file a
7 dispositive motion at this late date. His motion is untimely and was filed without the
8 Court's authorization. It will be stricken on that basis. See Local Rule 110.

9 Based on the foregoing, Defendants' motion to strike (ECF No. 128) is HEREBY
10 GRANTED. Plaintiff's motion for summary judgment (ECF No. 127) is HEREBY
11 STRICKEN from the record.

12
13 IT IS SO ORDERED.

14 Dated: May 4, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28