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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VIRGIL E. HOLT,
Plaintiff,
v.
R. NICHOLAS, et al.,
Defendants.

Case No. 1:09-cv-00800-AWI-SAB
FINDINGS AND RECOMMENDATIONS
RECOMMENDING THAT DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT BE
DENIED
(ECF NO. 79, 86)
OBJECTIONS DUE WITHIN 14 DAYS

Currently pending before the Court is a motion for summary judgment filed by Defendants in the above-captioned matter. (ECF No. 79.) The deadline for filing dispositive motions in this case was April 17, 2012. (ECF No. 59.) Defendants filed their motion for summary judgment on June 11, 2012. (ECF No. 79.) Accordingly, Defendants' motion is untimely and the Court will recommend that it be denied.

On August 1, 2012, Defendants filed a request for supplemental briefing for their motion for summary judgment. (ECF No. 86.) Since the Court recommends that Defendants' motion be denied as untimely, the Court further recommends that Defendants' request for supplemental briefing be denied as moot.

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Based on the foregoing, it is HEREBY RECOMMENDED that:

1. Defendants’ motion for summary judgment be DENIED as untimely (ECF No. 79); and
2. Defendants’ request for supplemental briefing be DENIED as moot (ECF No. 86).

These Findings and Recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of California. Within 14 days after being served with a copy, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.” The Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: February 11, 2013


UNITED STATES MAGISTRATE JUDGE