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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FLOYD SCOTT,

Plaintiff,

v.

J. PALMER, et al.,

Defendants.

Case No. 1:09-cv-01329-LJO-SKO (PC)

ORDER ADDRESSING MOTION FOR
CLARIFICATION

(Doc. 183)

Plaintiff Floyd Scott (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 29, 2009. This action for damages is proceeding against Defendants Palmer, Rivera, and Lopez (“Defendants”) on Plaintiff’s claim that while he was at Kern Valley State Prison in Delano, California, Defendant Palmer used excessive physical force against him and Defendants Rivera and Lopez failed to intervene, in violation of his rights under the Eighth Amendment of the United States Constitution.

On December 29, 2014, Plaintiff filed a motion seeking clarification of the term “dispositive motion” as contemplated by the pretrial dispositive motion deadline. Plaintiff is informed that the deadline applies to motions which resolve the action in whole or in part, usually in the form of a motion for summary judgment at that stage in the proceedings. As the parties were previously informed, however, because the Court already resolved a motion for summary judgment on the merits and excessive force claims generally require fact finding by a jury, the pretrial dispositive motion deadline should not be viewed as an indication that a dispositive

