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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JERRY SIMPSON, JR.,
Plaintiff,
v.
INTERSCOPE GIFFEN A&M
RECORDS, a division of UMG
RECORDINGS, INC., et al.,
Defendant.

) **1: 09 - CV - 1931 AWI SKO**
) **ORDER DENYING MOTION FOR**
) **RECONSIDERATION**
) **ORDER DENYING PETITION FOR**
) **WRIT OF POSSESSION**
) **ORDER DENYING MOTION FOR**
) **SUMMARY JUDGMENT**
) (Documents #28, #34, & #35)

On March 31, 2010, the court dismissed Plaintiff’s complaint with leave to amend. Plaintiff was ordered to file any amended complaint within thirty days.

On November 29, 2010, Plaintiff filed a document. The document complains that Plaintiff did not receive a fair trial or an accurate ruling. The court construed this as a motion for reconsideration.

On December 28, 2010, Plaintiff filed an amended complaint.

On November 6, 2010, Plaintiff filed a petition for writ of possession. Plaintiff requests a writ of possession pursuant to the California Code of Civil Procedure. The same day, Plaintiff filed what appears to be a motion for summary judgment.

Plaintiff’s motions will be denied. Plaintiff’s motion for reconsideration fails to show “what new or different facts or circumstances claimed to exist which did not exist or were not

1 shown upon such prior motion, or what other grounds exist for the motion.” See Local Rule
2 230(j). In addition, Plaintiff has already filed an amended complaint, making his motion moot.

3 Plaintiff’s petition for writ of possession and motion for summary judgment must also be
4 denied. This action is proceeding according to the Federal Rules of Civil Procedure, not the
5 California Code of Civil Procedure. Petitioner’s motions are not properly briefed, fail to cite to
6 appropriate legal standards, and do not reference any evidence. While a plaintiff is entitled to
7 file a motion for summary judgment, the motion must be properly noticed, supported by
8 evidence, and correctly address the standards set forth in Rule 56 of the Federal Rules of Civil
9 Procedure.

10 Accordingly, the court ORDERS that:

- 11 1. Plaintiff’s motion for reconsideration is DENIED;
- 12 2. Plaintiff’s motion for a writ of possession is DENIED; and
- 13 3. Plaintiff’s motion for summary judgment is DENIED.

14 IT IS SO ORDERED.

15 Dated: January 13, 2011

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18 CHIEF UNITED STATES DISTRICT JUDGE
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