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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TRAVIS LEON FREEMAN,	CASE NO. 1:09-cv-02129-SMS PC
Plaintiff,	ORDER DENYING MOTION
	FOR SUMMARY JUDGMENT
v.	(Doc. 7)
DERRALL G. ADAMS, et al.,	
Defendants.	

Plaintiff Travis Leon Freeman, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 8, 2009. On December 21, 2009, Plaintiff filed a motion for summary judgment.

Pursuant to Federal Rule of Civil Procedure 56(c), summary judgment is appropriate when it is demonstrated that there exists no genuine issue as to any material fact, and that the moving party is entitled to judgment as a matter of law. Summary judgment must be entered, “after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” Celotex Corp. v. Catrett, 477 U.S. 317, 322, 106 S.Ct. 2548 (1986).

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1 Defendants have not yet been served with process and have not made an appearance in this
2 action. Therefore, Plaintiff's motion for summary judgment is premature and is HEREBY DENIED.

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4 IT IS SO ORDERED.

5 **Dated: June 8, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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