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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
C. RELEVANTE, et al.,
Defendants.

Case No. 1:16-cv-01741-NONE-HBK
ORDER GRANTING PLAINTIFF’S MOTION
FOR CLARIFICATION

Plaintiff Tony Asberry is proceeding *pro se* in this civil rights action. Pending is Plaintiff’s motion for clarification filed December 6, 2021. (Doc. No. 227). In his motion, Plaintiff points out that the Court in its November 12, 2021 Order (Doc. No. 226) in setting forth the procedural posture of this case incorrectly stated that he did file motions for summary. (Doc. No. 227 at 2). Upon re-review of the docket, Plaintiff did indeed file motions for summary judgement. (Doc. Nos. 116, 117 and 125). However, because his motions were denied (Doc. Nos. 148, 152), this case remains postured for trial. Plaintiff’s motion for clarification is granted to the extent the November 12, 2021 Order failed to accurately state that Plaintiff did move for summary judgment.

Plaintiff also seeks clarification on the Court’s instruction that he file a second amended pretrial statement. (Doc. No.227 at 2). Plaintiff points out he previously filed a pretrial statement and an amended pretrial statement and believed his previous filings were proper. The Court

1 directed Plaintiff to file a single free-standing pretrial statement because the Court does not accept
2 piecemeal pleadings. On December 27, 2021, Plaintiff filed a second amended pretrial statement.
3 (Doc. No. 230). Thus, Plaintiff properly complied with the Court's Order (Doc. No. 226) and no
4 further clarification appears necessary.

5 Accordingly, it is ORDERED:

6 Plaintiff's motion for clarification (Doc. No. 227) is granted to the limited extent set forth
7 herein.

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9 Dated: January 13, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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