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

DANNY MCDOWELL,

Plaintiff,

No. CIV S-06-2145 MCE GGH (TEMP) P

vs.

J. L. BISHOP, et al.,

Defendants.

ORDER

/

On March 7, 2011, plaintiff filed a document titled “motion to supplement the record in opposition to defendant Ginder[’s] motion for summary judgment.” Because defendant Ginder’s motion for summary judgment has already been decided by the district court judge assigned to the case, any request to supplement the record with respect to that motion is moot. Therefore, plaintiff’s motion will be denied as will defendant Ginder’s request that plaintiff’s motion be stricken.

It appears it is appropriate for this matter to now proceed to trial. Therefore, the court will order the parties to submit pretrial statements.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s March 7, 2011 “motion to supplement the record in opposition to defendant Ginder[’s] motion for summary judgment” is denied.

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2. Defendant Ginder's March 11, 2011 motion to strike plaintiff's March 7, 2011 motion is denied as moot.

3. Plaintiff's pretrial statement shall be filed within thirty days. Plaintiff is advised that his pretrial statement shall only concern the claims and defendants which are still before the court. Plaintiff's failure to comply with this order may result in sanctions including dismissal of this action.

4. Defendants shall file their pretrial statement within twenty-one days of service of plaintiff's.

DATED: April 18, 2011

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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