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

AZHAR LAL,

Plaintiff,

No. 2:07-cv-2060 KJM EFB P

vs.

FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Pending before the court is defendants’ motion for summary judgment. Dckt. No. 166. Plaintiff’s opposition to defendants’ motion is due on or before November 18, 2012. Dckt. No. 179. Plaintiff has filed a motion requesting that the defendants exclude what plaintiff deems to be “unnecessary arguments” from their summary judgment motion. Dckt. No. 180. Plaintiff contends that the time for him to respond to the motion for summary judgment should not start running until the instant motion is addressed because he presently has “no real understanding of what he may have to litigate” and will only “have an understanding of the task” after the court rules on the instant request. *Id.* at 2-3.

Plaintiff’s motion must be denied as both procedurally and substantively improper.

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1 Plaintiff's motion is not authorized by the Federal Rules of Civil Procedure or the court's Local
2 Rules. To the extent plaintiff finds defendants' arguments to be unnecessary, abusive, or
3 irrelevant, plaintiff must follow the procedures set forth in Rule 56 of the Federal Rules of Civil
4 Procedure. Moreover, plaintiff was advised of the requirements for opposing a summary
5 judgment motion on August 29, 2012. See Dckt. No. 166 (Defs.' Mot. for Summ. J. with notice
6 to plaintiff pursuant to *Woods v. Carey*, 684 F.3d 934 (9th Cir. 2012) and *Rand v. Rowland*, 154
7 F.3d 952, 957 (9th Cir. 1998)).

8 Finally, plaintiff should not assume that his requests, such as the one currently before the
9 court, will be granted, or that the mere filing of the request in any way relieves him of his
10 obligation to diligently prosecute his case and comply with the deadlines established by the
11 court.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff's October 17, 2012 motion (Dckt.
13 No. 180) is denied.

14 DATED: October 22, 2012.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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