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

MARK ANTHONY SCOTT,

Plaintiff,

No. 2:08-cv-0117 LKK JFM (PC)

vs.

HAILE BETHLEHEM, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On December 2, 2009, plaintiff filed a motion for an order allowing him to modify his opposition to defendants’ motion for summary judgment. Plaintiff notes that defendants had objected that plaintiff failed to comply with the court’s local rules requiring a separate statement of undisputed material facts. However, on November 12, 2009, this court recommended the motion for summary judgment be granted. That recommendation was not predicated on plaintiff’s failure to comply with the local rules, nor does plaintiff’s filing affect those findings and recommendations. Accordingly, the court will deny plaintiff’s motion as unnecessary as this court reviewed the record in connection with the findings and recommendations. The December 2, 2009 opposition will be placed in the court file and disregarded.

