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

MARVIN SMITH,

Plaintiff,

No. CIV S-09-982 GEB EFB PS

vs.

WACKENHUT CORPORATION,

Defendant.

ORDER

Plaintiff is proceeding *pro se* in this action, which was referred to the undersigned pursuant to Eastern District of California Local Rule (“Local Rule”) 72-302(c)(21). *See* 28 U.S.C. § 636(b)(1). A hearing on defendant’s amended motion to dismiss is scheduled in this action for September 30, 2009. *See* Dckt. Nos. 19, 24. On September 9, 2009, along with his opposition to defendant’s motion to dismiss, plaintiff filed a motion for summary judgment. Dckt. No. 25. However, because the summary judgment motion does not comply with the requirements set forth in Local Rules 78-230(b) and 56-260(a), it is denied without prejudice. *See* E.D. Cal. L.R. 78-230(b) (“The moving party shall file with the Clerk a notice of motion, motion, accompanying briefs, affidavits, if appropriate, and copies of all documentary evidence that the moving party intends to submit in support of the motion.”); 56-260(a) (“Each motion for summary judgment or summary adjudication shall be accompanied by a ‘Statement of

1 Undisputed Facts' that shall enumerate discretely each of the specific material facts relied upon
2 in support of the motion and cite the particular portions of any pleading, affidavit, deposition,
3 interrogatory answer, admission or other document relied upon to establish that fact.”).

4 Accordingly, it is hereby ORDERED that:

- 5 1. Hearing on defendant's amended motion to dismiss remains on calendar for
6 September 30, 2009, at 10:00 a.m., in Courtroom No. 25; and,
- 7 2. Plaintiff's September 9, 2009, motion for summary judgment is denied without
8 prejudice.

9 DATED: September 11, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE