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

JASON ERIC SONNTAG,

No. CIV S-09-1224-CMK-P

Plaintiff,

vs.

ORDER

NEVADA COUNTY, et al.,

Defendants.

_____ /

Plaintiff, a Nevada state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

Pending before the court is plaintiff’s motion for summary judgment (Doc. 34). Plaintiff has filed this motion for summary judgment while defendants’ motion to dismiss (Doc. 29) is still pending. The court will generally only entertain one motion at a time. Plaintiff’s motion is also filed prematurely. Defendants have not filed an answer, and therefore have not made a general appearance. As the case is not at issue, no discovery has been completed.

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1 Accordingly, the court will disregard plaintiff's prematurely filed motion for
2 summary judgment. The Clerk of the Court is directed to terminate the summary judgment
3 motion as a pending motion on the docket. After defendants' motion to dismiss has been
4 addressed, and defendants have filed an answer, plaintiff may re-file his motion for summary
5 judgment, if appropriate.

6 IT IS SO ORDERED.

7
8 DATED: May 12, 2011

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10 _____
11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE