

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. 2:10-CV-2427VAP

Date: November 18, 2015

Title: DENNIS GERALD CLAIBORNE -v- BLAUSER, ET. AL.

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard  
Courtroom Deputy

None Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFFS:

ATTORNEYS PRESENT FOR  
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER DENYING PLAINTIFF'S MOTION FOR  
JUDGMENT AS A MATTER OF LAW (IN CHAMBERS)

On October 29, 2015, Plaintiff Dennis Claiborne ("Plaintiff") filed a Motion for Judgment as a Matter of Law ("Motion") under Fed. R. Civ. P. 50(b). (Doc. 189). Under Rule 50(b), a party may move for judgment as a matter of law, so long as he moved for judgment previously "at the close of *all* the evidence" and before "submission of the case to the jury." See Fed. R. Civ. P. 50(a); Janes v. Wal-Mart Stores, Inc., 279 F.3d 883, 886-87 (9th Cir. 2002).

Here, Plaintiff did not move for judgment as a matter of law "before the case [was] submitted to the jury." See Fed. R. Civ. P. 50(a). Although he has previously moved for judgment as a matter of law (See Docs. 86, 175), he did so well before

trial and before the "close of *all* the evidence." See Janes, 279 F.3d at 887. The

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Court has also considered Plaintiff's Motion on the merits and finds that he is not entitled to judgment as a matter of law. Accordingly, the Court DENIES Plaintiff's Rule 50(b) Motion.

**IT IS SO ORDERED.**