

1 applicable rules and orders of this court.

2 Plaintiff has also filed a motion to strike the defendants' undisputed statement of facts,
3 and consequently their motion for summary judgment, for failure to comply with Local Rule
4 260(a). ECF No. 175. In response to plaintiff's motion to strike Robert Kersten's declaration,
5 plaintiff was explicitly advised that "any further objections he has to defendants' motion for
6 summary judgment or its supporting documentation should be included in his response to the
7 motion and not filed as separate motions." ECF No. 171 at 2. He was further warned that "[a]ny
8 requests to extend the deadline to respond to defendants' motion for summary judgment based on
9 plaintiff filing piecemeal objections to the motion will be denied." Id. Not only has plaintiff
10 ignored this court's explicit instructions, but to the extent he argues that defendants have failed to
11 discretely enumerate each material fact relied on, the court finds that the undisputed statement of
12 facts substantially complies with Local Rule 260(a). As to plaintiff's claims that the statement of
13 facts is not properly supported by citations to the record, these arguments should be made as part
14 of his response to the statement of facts, not as part of a separate motion. The motion to strike
15 will therefore be denied.

16 Because the deadline for responding to the motion for summary judgment was November
17 29, 2018, if plaintiff has not already submitted his response to the motion for summary judgment,
18 he shall be given a brief extension of time to do so. Any further objections to the motion for
19 summary judgment, statement of facts, or supporting documentation that are not accompanied by
20 a response to the motion for summary judgment will be denied and will not result in a further
21 extension of plaintiff's deadline to respond. Furthermore, plaintiff is cautioned that if his
22 response to the motion for summary judgment is based solely on alleged technical deficiencies
23 with the motion or supporting documents, and those alleged deficiencies are not sufficient to
24 warrant denial of the motion, he will not be given a separate opportunity to respond to the merits
25 of the motion.

26 Accordingly, IT IS HEREBY ORDERED that:


- 27 1. The order to show cause (ECF No. 171) is discharged;
- 28 2. Plaintiff's motion to strike (ECF No. 175) is denied; and

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3. Within fourteen days of service of this order plaintiff shall file his response to defendants' motion for summary judgment. No further extensions of time will be granted.

IT IS SO ORDERED.

DATED: November 30, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE