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

HOSAM KADDOURA,

Plaintiff,

No. 2:12-cv-2114 DAD PS

vs.

MALCOLM DOUGHERTY,  
Director of the California  
Department of Transportation,

ORDER

Defendant,

\_\_\_\_\_ /

Plaintiff Hosam Kaddoura, proceeding pro se, commenced this action on August 14, 2012, by filing a complaint and paying the required filing fee. The parties have consented to proceed before the undersigned pursuant to 28 U.S.C. § 636(c)(1).

On October 22, 2012 and November 13, 2012, plaintiff filed motions for partial summary judgment. (Doc. Nos. 9 & 12.) Federal Rule of Civil Procedure 56(a) provides as follows with respect to a motion for summary judgment:

A party may move for summary judgment, identifying each claim or defense— or the part of each claim or defense – on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material issue of fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

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Discovery has not yet commenced in this case. Indeed, on this same date the court conducted an initial Status Conference and issued a pretrial scheduling order. Thus, plaintiff's motions for summary judgment are premature at this time and will be denied without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's October 22, 2012 motion for partial summary judgment (Doc. No. 9) is denied without prejudice;
- 2. Plaintiff's November 13, 2012 motion for partial summary judgment (Doc. No. 12) is denied without prejudice: and
- 3. The hearing of plaintiff's November 13, 2012 motion for partial summary judgment is dropped from the Court's December 14, 2012 law and motion calendar.

DATED: November 30, 2012.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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