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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COLEMAN,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:13-cv-1021 JAM KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. On October 6, 2014, plaintiff filed a motion to impose sanctions under Rule 11(c)(1) of the Federal Rules of Civil Procedure. Plaintiff notes that he objected to defendants' evidence submitted in support of the pending motion for summary judgment, but now seeks unspecified sanctions based on defendants' alleged submission of false evidence in support of their motion for summary judgment. On October 13, 2014, defendants opposed plaintiff's motion on the grounds that plaintiff failed to provide defendants with 21 days advance notice of his motion pursuant to Rule 11(c)(2), and that plaintiff's opposition to defendants' evidence is not a legally sufficient basis for the imposition of sanctions. Plaintiff did not file a reply.

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Rule 11(c)(2) provides as follows:

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.


Fed. R. Civ. P. 11(c)(2).

Here, plaintiff failed to provide defendants with advance notice as required under the Federal Rules. Therefore, plaintiff's motion is procedurally defective and is denied.¹

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for sanctions (ECF No. 48) is denied without prejudice.

Dated: November 13, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

¹ The court will address the parties' evidence when ruling on defendants' pending motion for summary judgment.