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

DURRELL ANTHONY PUCKETT,

No. 2:14-cv-2776-CMK-P

Plaintiff,

vs.

ORDER

A. AGBOLI, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

Pending before the court is plaintiff’s motion for summary judgment (Doc. 4). Plaintiff’s motion is premature. 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 and there currently is no opposing party. As such, the motion for summary judgment is premature and will be disregarded. Plaintiff may re-file his motion once the case is at issue and discovery has been conducted.

Accordingly, the court will disregard plaintiff’s prematurely filed motion for summary judgment. The Clerk of the Court is directed to terminate the summary judgment

1 motion as a pending motion on the docket. Plaintiff may re-file his motion for summary
2 judgment at the appropriate time.

3 IT IS SO ORDERED.

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DATED: September 30, 2016



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE