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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON LAMONT STRIBLING,  
Plaintiff,  
v.  
R. MOTT, et al.,  
Defendants.

No. 2:16-cv-0400 CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Currently pending before the court are defendant Mott’s motion to compel (ECF No. 49) and plaintiff’s motion for summary judgment (ECF No. 53).

Plaintiff has failed to oppose the motion to compel. He will be granted another opportunity to respond to the motion and is cautioned that failure to respond will be deemed a waiver of any opposition. In light of the pending discovery dispute, the resolution of which may lead to the production of additional evidence which defendant Mott could use in responding to a motion for summary judgment, plaintiff’s motion for summary judgment will be denied without prejudice to re-filing once the discovery dispute has been resolved. The motion also fails to comply with the requirements for a motion for summary judgment, specifically it lacks a separate statement of facts as required by Local Rule 260(a), and is additionally dismissed without prejudice to the filing of a motion in the proper form.


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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall have twenty-one days from service of this order to respond to defendant Mott's motion to compel. Failure to respond to the motion will be deemed a waiver of any opposition.

2. Plaintiff's motion for summary judgment (ECF No. 53) is denied without prejudice. Plaintiff may file a motion in the proper form after defendant Mott's motion to compel has been resolved.

Dated: February 7, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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