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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW DENNIS,
Plaintiff,
v.
SCOTT KERNAN, et al.,
Defendants.

No. 2:16-cv-0542 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion for judicial notice and objections to the April 15, 2022 order,¹ which include a request for leave to file an untimely motion for summary judgment. ECF Nos. 204, 205.

Plaintiff requests that the court take judicial notice of the motions in limine he mailed to the court on March 27, 2022, and consider them when ruling on defendants’ motion for summary judgment. ECF No. 204. Plaintiff’s motions in limine are not evidence going toward the merits of the case and are therefore not appropriate for consideration in ruling on defendants’ summary-judgment motion. The request for judicial notice will therefore be denied.

Plaintiff’s motion for leave to file an untimely motion for summary judgment establishes

¹ The objections will be addressed by the assigned district judge. See Fed. R. Civ. P. 72(a).

1 excusable neglect and will be granted. Plaintiff is advised that his motion for summary judgment
2 must comply with the following guidelines. The motion may not exceed thirty-five pages, not
3 including the separate statement of facts and any exhibits. The motion may address only why
4 plaintiff believes that he is entitled to summary judgment on his claims against defendants Mays
5 and Allison. The motion should not include other requests for relief, attempt to revive previously
6 dismissed claims or defendants, or address other issues. The motion must be accompanied by a
7 separate statement of facts, as required by Federal Rule of Civil Procedure 56(c) and Local Rule
8 260(a). Each fact must be separately numbered and supported by a citation to “the particular
9 portions of any pleading, affidavit, deposition, interrogatory answer, admission, or other
10 document relied upon to establish that fact.” L.R. 260(a); Fed. R. Civ. P 56(c). The statement of
11 facts should not include any arguments or legal citations. Plaintiff is cautioned that failure to
12 comply with these guidelines will result in the motion for summary judgment being stricken from
13 the record.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff’s request for judicial notice (ECF No. 204) is DENIED.
- 16 2. Plaintiff’s motion for leave to file an untimely motion for summary judgment (ECF
17 No. 205) is GRANTED.
- 18 3. Within forty-five days of the service of this order, plaintiff may file a motion for
19 summary judgment that complies with the guidelines set forth above. Any motion for summary
20 judgment that does not comply with the specified guidelines will be stricken from the record.

21 DATED: April 28, 2022

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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