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Plaintiff now argues that defendant disregarded a court order when he filed a motion for summary judgment after the extended deadline of April 24, 2020, and after the dispositive motion deadline was vacated. ECF No. 59. He claims that defendant's only purpose was to harass him and retaliate against him for filing a motion to compel. Id. at 6-8. Plaintiff asks that the court sanction defendant by prohibiting him from filing another motion for summary judgment, holding him in contempt, and issuing a fine. Id. at 12.

Although the dispositive motion deadline was vacated, defendant was not prohibited from filing a motion for summary judgment and therefore did not violate a court order. Furthermore, defendant is entitled to seek summary judgment if he believes it is appropriate and will be given that opportunity to do so once the discovery matter is fully resolved.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for sanctions and to find defendant in contempt (ECF No. 60) is denied.

DATED: May 21, 2020



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE