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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 MARCUS L. HARRISON,
9 Plaintiff,

No. C 09-4665 SI (pr)

ORDER

10 v.

11 D.E. MILLIGAN, et al.,
12 Defendants.
13

14 _____/

15 On September 21, 2011, the court granted in part and denied in part defendants'
16 summary judgment motion. It appears that plaintiff did not receive a copy of the court's
17 September 21, 2011 order at that time. On March 2, 2012, without yet having received the
18 court's order on defendants' summary judgment motion, plaintiff moved to attach material
19 evidence to his original pleadings and to his opposition to the summary judgment motion.
20 (Docket #34.) In the alternative, plaintiff sought to alter or amend the judgment pursuant to
21 Fed. R. Civ. Proc. 59(e). Plaintiff's request is DENIED for the following reasons. Plaintiff's
22 request to attach additional evidence to his pleadings is untimely; it comes over two years
23 after he filed his complaint. His request to attach additional evidence to his opposition is
24 moot as the court has already ruled on the summary judgment motion. To the extent that
25 plaintiff seeks to alter or amend the summary judgment motion, plaintiff's motion is pre-
26 mature as he filed this motion without having received the court's order on defendants'
27 summary judgment motion.

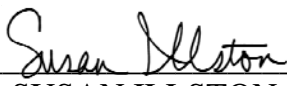
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Plaintiff has since received a copy of the court's order on defendants' summary judgment motion and has filed a motion for reconsideration. (Docket #36.) If plaintiff believes that the evidence attached to his March 2, 2012 motion is relevant to his motion for reconsideration, he may attach the relevant evidence to his reply in support of his motion for reconsideration and explain its relevance. If plaintiff does attach new evidence to his reply, defendants may file a sur-reply addressing this evidence. Defendants must file any sur-reply within seven days of receiving plaintiff's reply.

IT IS SO ORDERED.

Dated: March 22, 2012



SUSAN ILLSTON
United States District Judge