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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DIONNE R. HIGHTOWER,

Plaintiff,

v.

USA,

Defendant.

Case No.:13-cv-01538-JCS

**ORDER DENYING MOTION FOR  
SUMMARY JUDGMENT**

Re: Dkt. No. 19

Plaintiff has filed a document that is entitled “Opposition and Copy of Right to Sue Letter and Notice of Summary Judgment Motions and Rule Response from Plaintiff (hereinafter, the “Motion”). The Motion purports to seek summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. It is not, however, in compliance with Rule 56, which requires that a party seeking summary judgment “identify[] each claim or defense . . . on which summary judgment is sought” and “support the assertion by” by “citing to particular parts of materials in the record.” Furthermore, the Motion is premature because the United States has not yet filed a response to Plaintiff’s complaint or had an opportunity to conduct any meaningful discovery. *See Bazley v. Gates, 2011 U.S. Dist. LEXIS 1674, at \*1-2* (E.D. Cal. Jan. 7, 2011) (holding that summary judgment motion was premature where plaintiff filed motion before answer was due and discovery had not yet commenced). Accordingly, the Motion is DENIED without prejudice.

IT IS SO ORDERED.

Dated: August 22, 2013



JOSEPH C. SPERO  
United States Magistrate Judge