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E-Filed: January 13, 2014

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NICK MILETAK,

No. C13-04865

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

v.

COMMUNICATION WORKERS OF
AMERICA (CWA), CWA JOE BEIRNE

[Re: Docket No. 4]

Defendants.

Pro Se Plaintiff Nick Miletak sues the Communication Workers of America and Joe Beirne for various claims related to their alleged failure to adequately represent him in the handling of his grievances against his former employer. Miletak concurrently filed his complaint and an application to proceed in forma pauperis ("IFP"). Miletak then filed the instant motion for summary judgment before the Court ruled on his IFP application, before summons were issued, and before the defendants were served. Miletak's motion is premature. Accordingly, it is denied without prejudice to refile at a later time, but not before the defendants have had an opportunity to respond to the complaint.

IT IS SO ORDERED.

Dated: January 13, 2014



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **C13-04865 Notice will be mailed to:**

2 Nick Miletak
3 14745 Conway Avenue
4 San Jose, CA 95124

5 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
6 **registered for e-filing under the court's CM/ECF program.**

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