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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES LINLOR,  
  
Plaintiff,  
  
v.  
  
INTERNATIONAL INFORMATION  
SYSTEM SECURITY CERTIFICATION  
CONSORTIUM, INC., et al.,  
  
Defendants.

Case No.: 17cv430-MMA (BLM)

**ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT;**

[Doc. No. 9]

**DENYING AS MOOT  
DEFENDANTS’ EX PARTE  
MOTION FOR CONTINUANCE**

[Doc. No. 12]

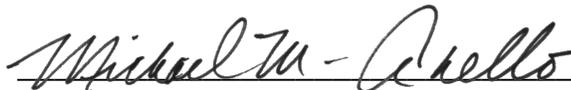
On January 26, 2017, Plaintiff James Linlor, proceeding *pro se*, commenced this action in state court against Defendants International Information System Security Certification Consortium, Inc., et al, for alleged violations of California’s Unruh Civil Rights Act, Cal. Civ. Code § 51. On March 2, 2017, Defendants removed the action to this Court. On March 21, 2017, Plaintiff filed a motion for summary judgment as to all causes of action. *See* Doc. No. 12. Plaintiff’s motion is currently set for hearing on May 1, 2017. Defendants now move the Court for a continuance of the motion hearing, in

1 order to afford them additional time to conduct discovery regarding Plaintiff's claims.  
2 *See* Doc. No. 9. Defendants aver that absent the requested continuance, they will not be  
3 able to sufficiently oppose Plaintiff's pending motion. Defendants have submitted a  
4 detailed declaration of counsel in support of their request.

5 Federal Rule of Civil Procedure 56(d) provides that the court may deny a motion  
6 for summary judgment if the non-moving party "shows by affidavit or declaration that,  
7 for specified reasons, it cannot present facts essential to justify its opposition." Fed. R.  
8 Civ. P. 56(d)(1). After conducting a review of the record, the Court finds that the  
9 declaration of defense counsel demonstrates that Defendants have met the requirements  
10 of Rule 56(d) in this case. Accordingly, the Court **DENIES without prejudice** as  
11 premature Plaintiff's motion for summary judgment. The Court **DENIES AS MOOT**  
12 Defendants' motion for a continuance.

13 **IT IS SO ORDERED.**

14 DATE: April 7, 2017

  
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HON. MICHAEL M. ANELLO  
United States District Judge