

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02669-WYD-MEH

STEVEN DOUGLAS GREEN,

Plaintiff,

v.

DARRELL SNYDER,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 19, 2011.

Before the Court is “Defendant’s Motion to Strike Plaintiff’s Summary Judgment Motion Against Darrell Sunder [sic] (Doc. 131)” [filed October 6, 2011; docket #133]. Pursuant to D.C. Colo. LCivR 7.1C, the Court may rule on the motion at any time after it is filed.

Defendant asserts, and the Court agrees, that Plaintiff’s motion seeking summary judgment [see docket #131] does not comply with Judge Daniel’s practice standards. Judge Daniel’s Special Instructions Concerning Motions for Summary Judgment provides in part:

All motions for summary judgment must contain a section entitled “Movant’s Statement of Material Facts.” This Statement shall set forth in simple, declarative sentences, which are separately numbered and paragraphed, each material fact that the movant believes supports movant’s claim that movant is entitled to judgment as a matter of law. *Each separately numbered and paragraphed fact must be accompanied by a specific reference to material in the record which establishes that fact.*

WYD Civ. Prac. Stds. § III.B.3 (emphasis added). At the outset, Plaintiff’s motion does not include a separate section for his material facts, but rather makes general references to the “material facts” throughout the five paragraphs of his motion. Plaintiff’s conclusory statements regarding these “material facts” lack support from the record, and thus, do not qualify as facts for the purpose of summary judgment.¹

Based on Plaintiff’s failure to comply with Judge Daniel’s Practice Standards, “Defendant’s Motion to Strike Plaintiff’s Summary Judgment Motion Against Darrell Sunder [sic] (Doc. 131)”

¹ Plaintiff’s motion refers to Exhibits A-18, A-15, and A-16; however, no such attachments were filed with his motion. The nature and content of these exhibits is not apparent.

[filed October 6, 2011; docket #133] is **granted**. Plaintiff's Summary Judgment Motion Against Darrell Snyder [filed September 15, 2011; docket #131] is hereby **stricken**. Plaintiff may re-file his motion in compliance with Judge Daniel's practice standards, as well as all federal and local court rules.