

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 2:17-cv-608-FtM-99CM

JOHN C. ROGERS,

Defendant.

ORDER¹

This matter comes before the Court on review of Plaintiff's Motion for Summary Judgment ([Doc. 14](#)) filed on March 22, 2018, and Defendant's Response in Opposition ([Doc. 23](#)) filed on April 20, 2018. Plaintiff argues that summary judgment is proper in part because Defendant failed to raise any affirmative defenses. Since the filing of Plaintiff's Motion for Summary Judgment, Defendant has filed an Amended Answer and Affirmative Defenses, unopposed by Plaintiff. ([Doc. 22](#)). Because the newly-asserted affirmative defenses could impact the arguments made by Plaintiff in support of summary judgment, the Motion will be denied without prejudice. The Court also notes that Plaintiff has not followed the Court's procedures on motions for summary judgment. As stated on the Undersigned's website, each motion for summary judgment must include a specifically captioned section titled, "Statement of Material Facts," that lists each material fact alleged not to be disputed in separate, numbered paragraphs.² Any future Motions for Summary Judgment must comply with the Undersigned's procedures.

¹ Disclaimer: Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees.

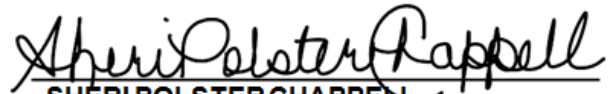
² See <http://www.flmd.uscourts.gov/judges/sheri-polster-chappell>.

Accordingly, it is now

ORDERED:

Plaintiff's Motion for Summary Judgment ([Doc. 14](#)) is **DENIED without prejudice.**

DONE and **ORDERED** in Fort Myers, Florida this 25th day of April, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record