

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 6:15-cv-519-Orl-22TBS

VIRGIL F. BILLINGS,

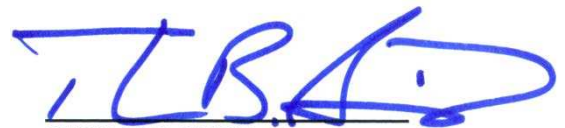
Defendant.

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**ORDER**

This case comes before the Court on Defendant's Unopposed Rule 56(d) Motion (Doc. 19). Under FED. R. CIV. P. 56(d), if the party responding to a motion for summary judgment shows by affidavit or declaration that for specified reasons, it is unable to present facts essential to justify its opposition to the motion, the court may, *inter alia*, defer or deny the motion for summary judgment. On June 10, 2015, Plaintiff filed a motion for summary judgment (Doc. 16). Defendant argues that the motion is premature because no discovery has occurred, and he requires information in the possession of Plaintiff to dispute the amount of Plaintiff's claim. Plaintiff does not oppose Defendant's motion. Accordingly, Defendant's motion (Doc. 19) is **GRANTED**, and Plaintiff's motion for summary judgment (Doc. 16), is **DENIED WITHOUT PREJUDICE**.

**DONE and ORDERED** in Orlando, Florida on July 7, 2015.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record