

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

RICHARD AYCOX,

Plaintiff,

v.

CASE NO. 1:10-cv-51-SPM-GRJ

CITY OF GAINESVILLE,

Defendant.

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SUMMARY JUDGMENT NOTICE

This case is before the Court on Doc. 52, Defendant's motion for summary judgment, and Doc. 63, Plaintiff's motion for summary judgment. Because Plaintiff is proceeding *pro se*, he is advised of the following with respect to the motions. The Court will decide each motion on the basis of the motion, the response, and any evidentiary materials filed by the parties. The response and any supporting evidentiary materials (counter-affidavits, depositions, exhibits, etc.) must be filed with the Clerk **within 30 days from the date of this Order**. The Court will take the motions under advisement after the expiration of 30 days, and will thereafter issue a report recommending disposition of the motions.

If the Court grants Defendant's motion for summary judgment, such decision would be a final decision of the Court in favor of Defendant. As a result of such final decision, there would be no trial or other proceedings in this case, and the Plaintiff would likely be precluded from later litigating this matter or any related matters.

Therefore, the Plaintiff is further advised: (1) failing to respond to the Defendant's summary judgment motion will indicate that the motion is not opposed; (2) all material

facts asserted in the motion will be considered admitted unless controverted by proper evidentiary materials (counter-affidavits, depositions, exhibits, etc.); and (3) Plaintiff may not rely solely on the allegations of the issue pleadings (e.g., complaint, answer, etc.) in opposing the summary judgment motion. See *Griffith v. Wainwright*, 772 F.2d 822,825 (11th Cir. 1985).

Accordingly, it is **ORDERED**:

The parties shall file their responses in opposition to the cross-motions for summary judgment, Docs. 52 and 63, **on or before December 6, 2012**.

DONE AND ORDERED this 6th day of November 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge