

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

DAVID NELSON,
Plaintiff,

v.

Case No. 3:08cv508/MCR/EMT

UNITED STATES OF AMERICA,
Defendant.

ORDER

This cause is before the court upon Plaintiff's filing a motion for summary judgment (Doc. 26). The court will take the motion under advisement on **August 20, 2009**. A motion for summary judgment will result in a final judgment being entered for the moving party if "the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). Materials submitted on a motion for summary judgment are viewed in the light most favorable to the party opposing the motion, but unreasonable and speculative inferences will not be drawn from the materials. Tyler v. Vickery, 517 F.2d 1089 (5th Cir. 1975). Evidence filed by the movant in support of the motion for summary judgment may be accepted as true by the court if the party opposing the motion does not file contrary evidence in the form of sworn affidavits or other materials in compliance with Rule 56. Brown v. Shinbaum, 828 F.2d 707 (11th Cir. 1987).

Consistent with the requirements of N.D. Fla. Loc.R. 56.1(B), all evidentiary materials authorized to be filed under the Federal Rules of Civil Procedure must be filed with the court prior to the above advisement date. Only those evidentiary materials currently in the record or filed prior to the above date will be considered by the court in ruling on this motion. Additionally, the parties are directed to submit hard (i.e., paper) copies of their motion and/or response and all supporting

exhibits, along with any other evidentiary materials, to the undersigned's chambers prior to the advisement date.

NOTICE: This order and notice does not pertain to the memoranda of law or statement of facts filed in connection with a motion for or opposition to summary judgment, and thus does not extend the time set forth in the Final Scheduling Order or Local Rules for filing these written materials. The parties are cautioned that the court will not consider untimely filed memoranda, statements of fact, or supporting exhibits and other evidentiary materials.

DONE AND ORDERED this 6th day of August 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE