

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

WILLIE FOLEY (#98765)

VERSUS

CIVIL ACTION

BURL CAIN, ET AL

NUMBER 13-370-BAJ-SCR

**ORDER**

Plaintiff filed a Motion for Summary Judgment, which was denied. Record document numbers 18 and 21, motion; record document number 29, Ruling and Order denying Motion for Summary Judgment.

When the plaintiff has moved for summary judgment and the record developed on the plaintiff's motion reveals that the defendants are entitled to summary judgment, the court has discretion to grant summary judgment to the defendants even though no formal motion has been filed. *NL Industries v. GHR Energy Corp.*, 940 F.2d 957 (5th Cir. 1991); *Arkwright Boston Mfgs. Mutual Ins. Co. v. Aries Marine Corp.*, 932 F.2d 442 (5th Cir. 1991); *Marriott Brothers v. Gage*, 911 F.2d 1105 (5th Cir. 1990).

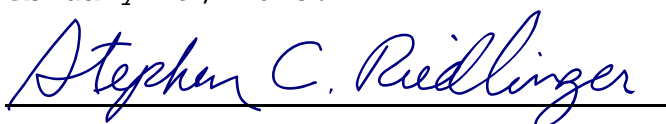
A review of the plaintiff's Motion for Summary Judgment showed that the summary judgment in favor of the defendants may be appropriate. However, before summary judgment can be granted in favor of a party who did not request it notice and a reasonable time to respond must be given. Rule 56(f), Fed.R.Civ.P.

Therefore;

IT IS ORDERED that the plaintiff shall have until March 6,

2015, to file sufficient affidavits, documents and other materials the court may properly consider under Rule 56 to demonstrate the existence of a disputed issue of material fact and an adequate legal basis to maintain his claims against the defendants. Defendants shall have until March 20, 2015, to file a response to the plaintiff's submission.

Baton Rouge, Louisiana, February 19, 2015.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE