

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rand Corporation,

Plaintiff,

Civ. No. 07-510 (RHK/JSM)

ORDER

v.

Yer Song Moua, *et al.*,

Defendants.

This matter is before the Court *sua sponte*. Plaintiff commenced this action by filing a Complaint on January 29, 2007. On February 8, 2007, Plaintiff filed a Motion for Summary Judgment (Doc. No. 3). However, Federal Rule of Civil Procedure 56(a) provides, in pertinent part, that “[a] party seeking to recover upon a claim . . . or to obtain a declaratory judgment may, *at any time after the expiration of 20 days from the commencement of the action . . .*, move . . . for a summary judgment in the party’s favor.” (emphasis added). Plaintiff’s Motion for Summary Judgment, therefore, violates Rule 56(a).

Accordingly, it is **ORDERED** that Plaintiff’s Motion for Summary Judgment (Doc. No. 3) is **DENIED WITHOUT PREJUDICE**. Plaintiff may re-file the Motion upon expiration of the 20-day period provided for in Rule 56.

Dated: February 9, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge