

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

## MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Amended Motion for Summary Judgment, [Doc. No. 36]. Plaintiff has responded to the Motion by filing a Motion To Defer Consideration and Time For Response To Amended Motion For Summary Judgment [Doc. No. 39]. Plaintiff has filed a Reply In Support of the Amended Motion for Summary Judgment.

The Court has reviewed the referenced documents and the Case management order issued by the court. The Court notes the Case Management Order sets April 1, 2016 as the deadline for the filing of dispositive motions. Rule 56 of Federal Rules of Civil Procedure a motion may be filed at any time until 30 days after the close of discovery, unless a different time is set by local rule or court order. Although there is no dispute a party may file a motion for summary judgment, it is

clear from the arguments put forth that discovery is not yet complete and the matter is therefore not ripe for the court to consider.

Accordingly,

**IT IS HEREBY ORDERED**, the Amended Motion for Summary Judgment is denied at this time as being filed prematurely in that discovery is not yet complete.

Dated this 3<sup>rd</sup> day of December, 2015.

  
HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE