

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

NEAL LEWIS GRAY,

Plaintiff,

vs.

WARDEN MICHAEL FLETCHER,
A.W. WILSON, A.W. BEESON,
CAPTAIN ZUBER, MARISA
BOSTWICK, ANNA KROGSTAD,
DAVID HARRIS, C/O HARDING,
AMIE DANIALS, and KARLA IVIE,

Defendants.

CV 17-00083-H-BMM-JTJ

ORDER

Plaintiff Neal Gray, a prisoner proceeding in forma pauperis and without counsel, has filed a motion for stay and abeyance (Doc. 25), a motion for summary judgment (Doc. 26), and a motion for addendum (Doc. 27). The motions will be denied.

I. MOTION FOR STAY AND ABEYANCE

In his first motion, Mr. Gray asks to stay the case due to limited library access and mail issues at Montana State Prison. He also seeks an investigation

into the library and mail system at the Prison.

While the Court appreciates the difficulties of litigating a civil rights action while incarcerated, this is not a sufficient basis upon which to stay this matter indefinitely. Mr. Gray does not allege any specific interference with his own mail to or from this Court. Should he encounter such interference, he should immediately advise the Court. The Court will not, however, delay this matter indefinitely due to general concerns regarding library access and mail issues.

The motion to stay will be denied.

II. MOTION FOR SUMMARY JUDGMENT

Mr. Gray has also filed a Motion for Summary Judgment. (Doc. 26.) Local Rule 56.1 requires that:

- (a) Any party filing a motion for summary judgment must simultaneously file a Statement of Undisputed Facts. The Statement must:
- (1) set forth in serial form each fact on which the party relies to support the motion;
 - (2) pinpoint cite to a specific pleading, deposition, answer to interrogatory, admission or affidavit before the court to support each fact;
 - (3) be filed separately from the motion and brief; and
 - (4) immediately upon filing of the motion, be e-mailed in a word processing format to each party against whom summary judgment is sought.

Local Rule 56.1(a). Mr. Gray has not filed a Statement of Undisputed Facts in

accordance with this rule. The motion for summary judgment will therefore be denied without prejudice.

III. MOTION FOR ADDENDUM

In his Motion for Addendum, Mr. Gray seeks to add five additional defendants to the current action. Local Rule 15.1 requires that “[w]hen a party moves for leave to amend or supplement a pleading, the proposed pleading must be attached to the motion as an exhibit.” Mr. Gray has not complied with this rule, therefore, the motion will be denied without prejudice.

Based upon the foregoing, the Court issues the following:

ORDER

1. Mr. Gray’s Motion for Stay and Abeyance (Doc. 25) is DENIED.
2. Mr. Gray’s Motion for Summary Judgment (Doc. 26) is DENIED WITHOUT PREJUDICE and subject to renewal upon compliance with Local Rule 56.1.
3. Mr. Gray’s Motion for Addendum (Doc. 27) is DENIED WITHOUT PREJUDICE and subject to renewal upon compliance with Local Rule 15.1.
4. At all times during the pendency of this action, Mr. Gray must immediately advise the Court of any change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the

action for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).

DATED this 9th day of July, 2018.

/s/ John Johnston

John Johnston
United States Magistrate Judge