

**FILED**

IN THE UNITED STATES DISTRICT COURT **MAY 08 2017**  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

Clerk, U.S. District Court  
District Of Montana  
Missoula

CLIFFORD D. OLD-HORN,

Plaintiff,

vs.

DETECTIVE MIKE SARGEANT,  
DETECTIVE JAY DOYLE, and COUNTY  
ATTORNEY MITCH YOUNG,

Defendants.

CV 16-00099-M-DLC-JCL

ORDER

Before the Court is Defendants' Motions for Summary Judgment. (Docs. 23, 25, 27.) The motions will be denied without prejudice and subject to renewal for failure to comply with the Court's Local Rules.

First, Defendants failed to comply with Local Rule 7.1(d)(2) which requires briefs to include a certificate of compliance. No certificate of compliance was filed.

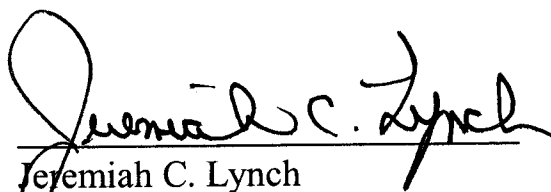
More importantly, however, Defendants failed to comply with Local Rules 12.3 and 56.2 which require a defendant to file and serve a "Notice and Warning to Plaintiff" simultaneously with motions for summary judgment. Local Rule 56.2(b) specifically provides that a "[f]ailure to provide the above Notice and

Warning will result in denial of the motion for summary judgment, regardless of whether the motion is fully briefed.”

ACCORDINGLY, IT IS HEREBY ORDERED that Defendants’ Motions for Summary Judgment (Docs. 23, 25, 27) are DENIED WITHOUT PREJUDICE AND SUBJECT TO RENEWAL upon compliance with Local Rule 7.1(d)(2), 12.3 and 56.2.

In light of the Court’s Order dated May 3, 2017 (Doc. 22) giving Defendants 30 days to take the deposition of Mr. Old Horn, the motions deadline in this matter is extended to June 30, 2017.

DATED this 8th day of May, 2017.

  
Jeremiah C. Lynch  
United States Magistrate Judge