

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE MARSHALL,  
Plaintiff,  
v.  
CAPT. R. SUEY, et al.,  
Defendants.

Case No. 2:12-cv-1710-LDG-PAL  
ORDER

Plaintiff has filed a motion for partial summary judgment (#25, opposition #34), and defendants have filed a motion for summary judgment (#49), and a motion to dismiss (#52). For the reasons set forth in defendants' opposition to plaintiff's motion for partial summary judgment, the motion will be denied. Furthermore, defendants are correct that plaintiff has failed to timely oppose their motion for summary judgment and motion to dismiss which, under the rules, entitles defendants to have their motions granted. However, while these motions were pending, the court granted plaintiff's motion to amend the complaint (#60). In an abundance of caution, the court will order defendants to file a supplemental brief addressing any additional issues raised by plaintiff's third amended complaint. The court will also grant defendants' motion to dismiss and motion for summary judgment, but allow plaintiff to file a motion to reconsider the ruling. Plaintiff's motion to reconsider must contain his opposition to defendants' motion to dismiss and

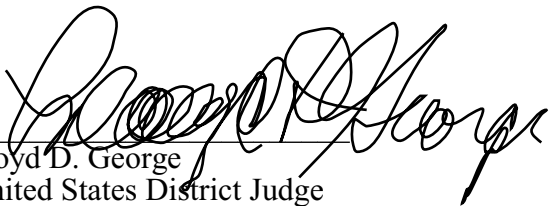
1 motion for summary judgment along with any additional arguments raised in defendants'  
2 supplement.

3 THE COURT HEREBY ORDERS that, for the reasons identified in defendants'  
4 opposition, plaintiff's motion for partial summary judgment (#25) is DENIED.

5 THE COURT FURTHER ORDERS that defendants shall have 15 days in which to file a  
6 supplemental brief addressing any new issues raised by plaintiff's third amended complaint.

7 THE COURT FURTHER ORDERS that defendants' motion for summary judgment (#49)  
8 and motion to dismiss (#52) are GRANTED. Plaintiff, however, shall have 45 days from the date  
9 of the entry of this order in which to file a motion for reconsideration including his opposing  
10 points and authorities to defendants' motion for summary judgment, motion to dismiss, and  
11 supplemental brief. If plaintiff fails to file his motion for reconsideration, the court at that time  
12 will enter judgment.

13  
14 DATED this 26 day of March, 2015.

15  
16   
17 Lloyd D. George  
United States District Judge

18  
19  
20  
21  
22  
23  
24  
25  
26