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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

| | | |
|-------------------------|---|-----------------------|
| NICHOLAS MAESTAS, |) | 3:10-cv-00585-HDM-VPC |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| vs. |) | |
| |) | |
| ROBERT LEGRAND, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

On August 19, 2011, the plaintiff filed a motion for summary judgment (#28). The motion was filed before the court has ruled on the defendants' motion to dismiss for failure to exhaust, before the defendants have filed an answer, and before any discovery has been conducted in this case. The motion is accordingly premature and is therefore DENIED WITHOUT PREJUDICE to renew at the close of discovery.

IT IS SO ORDERED.

DATED: This 25th day of January, 2012.

Howard D McKelvey
UNITED STATES DISTRICT JUDGE