UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELLY KOERNER,

Plaintiff,

v.

JAMES GREG COX, et al.,

Defendants.

3:11-cv-00116-LRH-VPC

MINUTES OF THE COURT

November 18, 2011

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff previously filed a motion for summary judgment (#9), which the court denied (#18) as premature because defendants had not filed a response to plaintiff's complaint. Plaintiff now files a motion to renew his motion for summary judgment (#23). Defendants opposed (#25) and plaintiff replied (#29).

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Plaintiff states in his motion that the court should renew his motion for summary judgment because it may "provide this court with sufficient information to make a more complete and informed decision to deny defendants' motion to dismiss" (#23). However, the court's analysis of the 12(b)(6) motion to dismiss is limited to the contents of the complaint. Fed.R.Civ.P. 12(b)(6).

Moreover, plaintiff's motion for summary judgment is still premature because discovery has not commenced. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Plaintiff's motion to renew his motion for summary judgment (#23) is **DENIED without prejudice** and with leave to renew if necessary.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk