

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT E. PARKES)	3:11-cv-00902-LRH-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	July 8, 2014
)	
GREG COX, et al.,)	
)	
Defendants)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Defendants' Motion to Strike Plaintiff's Cross-Motion for Summary Judgment (Doc. # 69), or in the alternative, Motion for Enlargement of Time to Respond to Plaintiff's Cross-Motion for Summary Judgment (Doc. # 69). (Doc. # 70.)

Defendants contend that the deadline for filing dispositive motions in this case was June 6, 2014, and Defendants filed their dispositive motion on that date. (Doc. # 70 at 2, referencing Scheduling Order (Doc. # 65) and Defendants' Motion (Doc. # 66).) They assert that Plaintiff filed his cross-motion for summary judgment on June 30, 2014, without seeking an extension of the deadline to file such a motion. (Doc. # 70 at 2.) Therefore, Defendants contend the cross-motion should be stricken, or they should be given an extension of time of fourteen days to file their response. (*Id.* at 2-3.)

Plaintiff's filing was titled both a response to Defendants' motion for summary judgment as well as his cross-motion for summary judgment. It was filed as a single document by Plaintiff, but docketed as two separate filings ((1) response to Defendants' motion (Doc. # 68) and (2) cross-motion for summary judgment (Doc. # 69)) by the Clerk's office. The documents are identical. The cross-motion was technically filed beyond the June 6, 2014 deadline for filing dispositive motions; however, the document was timely filed as a response to Defendants' dispositive motion. The court will afford Plaintiff, a pro se inmate litigant, some latitude in this respect, particularly because the documents are identical and as such Defendants will not be prejudiced in having to respond to both the opposition and cross-motion. Accordingly, Defendants' motion to strike (Doc. # 70) is **DENIED**.

