

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CORY WINANS,) 3:12-cv-00095-RCJ-WGC
)
 Plaintiff,) **MINUTES OF THE COURT**
vs.)
)
CCS. THOMAS,) April 17, 2013
)
)
 Defendant.)
)

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 Plaintiff's "Motion to Compell (sic) Discovery - Motion to Strike Summary Judgment as Discovery is Pending." (Doc. # 73.) Defendant has opposed (Doc. # 74). The court will address the two components of Plaintiff's motion separately.

Motion to Compel

With regard to the motion to compel, Plaintiff has not attached the discovery which is in dispute. The Local Rules for the District of Nevada require all discovery motions to state the efforts movant first undertook to resolve the discovery dispute which is the subject of the motion. LR 26-7(b). While this particular requirement may be difficult for a plaintiff who is a pro se inmate to satisfy, Plaintiff has also not complied with LR 26-7(a) which requires the motion to compel to "set forth in full the text of the discovery originally sought and the response thereto, if any." Because of Plaintiff failure to comply with the requirements of Rule 26-7(a), it is impossible for the court to grant any relief.

Therefore, the discovery component of Plaintiff's motion to compel is **DENIED**.

///

MINUTES OF THE COURT

3:12-cv-00095-RCJ-WGC

Date: April 17, 2013

Page 2

Motion to Strike

Plaintiff seeks to strike Defendant's motion for summary judgment (Doc. # 65), seemingly on the grounds that Plaintiff disputes the discovery which has been produced by Defendants (Doc. # 73 at 1). Plaintiff seems to also contend that (at the time Plaintiff's motion was filed), the discovery deadline had not passed. Under Fed. R. Civ. P. 56(b), a motion for summary judgment may be filed at any time until 30 days after the close of all discovery. Defendant's motion for summary judgment is therefore timely and there are no legitimate grounds raised by Plaintiff to strike Defendant's motion for summary judgment.

Plaintiff's motion to strike (Doc. # 73) is **DENIED**. However, because this filing, liberally interpreted, appears to assert an argument in response to Defendant's motion for summary judgment, this court will consider Plaintiff's motion (Doc. #73) to constitute a memorandum of points and authorities in response to Defendant's motion for summary judgment (to date, Plaintiff has not filed any opposing memoranda to Defendant's motion for summary. Defendant shall have **fourteen (14) days** from the date of this order to file a reply memorandum.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/
Deputy Clerk