


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CV-555-D

JOSEPH WILLIAM FISHER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 KATHLEEN SEBELIUS, )  
 Secretary of Health and Human Services, )  
 )  
 Defendant. )

**ORDER**

On August 20, 2010, Joseph William Fisher filed a motion for summary judgment [D.E. 29]. The court has considered the motion under the governing standard. See, e.g., Fed. R. Civ. P. 56; Scott v. Harris, 550 U.S. 372, 380 (2007); Celotex Corp. v. Catrett, 477 U.S. 317, 322–25 (1986); Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 585–88 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247–48 (1986). The motion [D.E. 29] is DENIED.

SO ORDERED. This 19 day of January 2010.

  
JAMES C. DEVER III  
United States District Judge