

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10-cv-270-RJC**

SIR-TRAVIS GEE,)	
)	
Plaintiff,)	
)	
v.)	
)	
ASHLEY W. BOYLES, <u>et al.</u> ,)	
)	
Defendants.)	
)	

ORDER

THIS MATTER is before the Court on Defendants’ Motion for Summary Judgment, (Doc. No. 23).

ORDER AND NOTICE

Plaintiff is advised the Defendants have filed a motion for summary judgment and a supporting memorandum with attached exhibits. (Doc. Nos. 23, 24). In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court informs Plaintiff, who is proceeding pro se, of the heavy burden he carries in responding to the Defendants’ Motion for Summary Judgment. The failure to properly support an assertion of fact or to address the Defendants’ evidence or assertions of fact may result in the Court granting summary judgment in favor of Defendants, which is dismissal of Plaintiff’s Complaint with prejudice. Such a dismissal would occur if there is no genuine dispute as to any material fact and the Defendants are therefore entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, the court shall grant summary judgment if the movant, Defendants in this instance, show that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of

law. A material fact is one that could lead to judgment in favor of one party or another. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). A party may assert that a fact is genuinely disputed, or cannot be genuinely disputed, by submitting certain materials to the Court. Fed. R. Civ. P. 56(c). These materials include documents, declarations, and affidavits. Id. A declaration is a written statement subscribed as true under penalty of perjury. 28 U.S.C. § 1746. An affidavit is a written statement sworn before a notary public. Black's Law Dictionary, 62 (8th ed. 2004). Affidavits and declarations must be made on personal knowledge and set out facts that would be admissible in evidence. Fed. R. Civ. P. 56(c)(4).

IT IS, THEREFORE, ORDERED that Plaintiff shall have thirty (30) days from entry of this Order to file his response, including any evidence or other supporting documents, to the Defendants' Motion for Summary Judgment and supporting memorandum. (Doc. Nos. 23, 24).

Signed: August 6, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

