IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

Bernadette Baker,	)	
	)	
Plaintiff,	)	**ORDER**
	)	
vs.	)	
	)	
Dirk Kempthorne, Secretary, United	)	
States Department of the Interior or his	)	
predecessor-in-office; Bureau of Indian	)	
Affairs, Louis Dauphinais as Middle School	)	Case No. 4:08-cv-077
Principal and in his individual capacity,	)	
	)	
Defendants.	)	

Plaintiff initiated the above-entitled action by complaint on September 2, 2008. The court

subsequently granted her leave to file an amended complaint, which she did on August 18, 2009.

Defendants filed a Motion for Summary Judgment on September 17, 2009. Therein they

asserted that several of Plaintiff's claims are barred by the doctrine of *res judicata* and that the court

otherwise lacks subject matter jurisdiction over her claims. Plaintiff filed a response in opposition

to this motion on September 24, 2009.

On December 21, 2009, Plaintiff filed a Threshold Motion and Nondispositive Motion.

Therein, she reiterated the factual basis for her claims. Additionally, she touched upon the issues

raised by Defendants in their Motion for Summary Judgment. Defendants filed a response on

December 23, 2009, taking the position that Plaintiff's filings did not constitute proper legal motions

to which they can reply. They further incorporated by reference the brief they filed in support of

their Motion for Summary Judgment.

The court appreciates that Plaintiff is proceeding in this matter *pro se* and may have

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misapprehended deadlines for filing threshold and nondispositive motions as a requirement that she file such motions. Although styled as motions, her filings read more like supplemental responses in opposition to Defendants' Motion for Summary Judgment. The court shall construe her filings as such. Insofar as her filings (Docket Nos. 49 and 40) purport to be motions, they are deemed **MOOT**.

    IT IS SO ORDERED.

    Dated this 5th day of January, 2010.

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/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge

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