

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|------------------------------|
| HOWARD SCOTT GREGORY, | : | CIVIL NO. 1:16-CV-966 |
| Plaintiff | : | |
| | : | (Chief Judge Conner) |
| v. | : | |
| | : | |
| UNITED STATES OF AMERICA, | : | |
| Defendant | : | |

ORDER

AND NOW, this 3rd day of February, 2017, upon consideration of plaintiff's motion (Doc. 11) for summary judgment, and the court noting that plaintiff's motion was filed before the pleadings were closed,¹ and upon further consideration of plaintiff's supplement (Doc. 15) wherein he indicates that he was unaware of the applicable procedural rules, and thus unaware that he prematurely moved for summary judgment, and wherein he further requests the opportunity to refile his motion at a later date, it is hereby ORDERED that the motion (Doc. 11) for summary judgment is DISMISSED without prejudice.

/S/ Christopher C. Conner
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ The United States Attorney's Office received a courtesy copy of the summons and complaint on or about June 7, 2016. See (Docket Entry dated June 7, 2016). The BOP and the United States Attorney General were served by certified mail on June 20 and 21, 2016, respectively. (Doc. 10). Accordingly, a responsive pleading was due on or before August 22, 2016. See FED. R. CIV. P. 12(a)(2). Thus, plaintiff's motion (Doc. 11) for summary judgment filed on July 12, 2016 was clearly premature.