IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

DAVID WEBB, Plaintiff, v. TIMOTHY SCOTT, et al., Defendants.	MEMORANDUM DECISION Case No. 1:11-cv-00128-DB-DBP District Judge Dee Benson Magistrate Judge Dustin B. Pead

I. INTRODUCTION

This civil rights matter was referred to the Court under 28 U.S.C. § 636(b)(1)(B). The Court now considers Plaintiff's "Motion in Support of 10th Circuit Court of Appeals Authority Setting Forth Specific Facts That Would be Admissible in Evidence in the Event of a Trial." (Docket No. 99.) For the reasons discussed below, the Court **DENIES** the motion.

II. PLAINTIFF'S MOTION IN SUPPORT OF TENTH CIRCUIT AUTHORITY SETTING FORTH SPECIFIC FACTS THAT WOULD BE ADMISSIBLE IN EVIDENCE IN THE EVENT OF TRIAL

On February 11, 2014, Plaintiff filed this motion to ask the Court to deny any future summary judgment motions filed by Defendants. (Dkt. No. 99 at 3.) To that end, Plaintiff moved to make several motions, exhibits, and discovery documents "part of the Court Record as a Pre-Emptive Strike against" Defendants' future summary judgment motions. (*Id.* at 1.)

Plaintiff claimed these motions, exhibits, and discovery documents "conclusively support[ed]" his complaint and "would be admissible in the event of Trial . . . ." (*Id.*)

Both the Ogden City Defendants and the Weber County Defendants opposed Plaintiff's motion as premature because he brought it before they had filed any summary judgment motions. (Dkt. Nos. 105-106.)

The Court agrees with Defendants' oppositions. Plaintiff's motion does not seek any discernable relief where it is essentially a premature opposition memorandum masquerading as a motion. Therefore, the Court **DENIES** Plaintiff's motion. (Dkt. No. 99.)

If Plaintiff wishes to oppose any summary judgment motions filed by Defendants, he should wait until Defendants have actually filed such motions. Thereafter, Plaintiff may file oppositions to such motions that comply with DUCivR 7-1(b)(2)(A) and DUCivR 56-1(c).

III. ORDERS

For the reasons set forth above, the Court **DENIES** Plaintiff's motion in support of Tenth Circuit authority setting forth specific facts that would be admissible in evidence in the event of trial. (Dkt. No. 99.)

Dated this 16th day of April, 2014.

By the Court:

Dustin B. Pead
United States Magistrate Judge