

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

JORDAN ALAN NEVES BREWER,

Plaintiff,

vs.

JEFFREY ROSS & TREVOR PETERSON,

Defendants.

ORDER and
MEMORANDUM DECISION

Case No. 1:15-cv-87-TC-DBP

On March 27, 2017, Defendant Jeffrey Ross filed a Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment. (See ECF No. 34.) The Federal Rules of Civil Procedure provide the following:

If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Fed. R. Civ. P. 12(d). Mr. Ross not only titled his motion in the alternative, but he also attached documentation falling outside the complaint. Accordingly, the court has decided to treat the motion as one for summary judgment.

To that end, pro se Plaintiff Jordan Brewer is hereby allowed to supplement his opposition to the motion with evidence outside the complaint. Any relevant and admissible information he believes the court should review before ruling on Mr. Ross's motion should be submitted to this court no later than November 8, 2017. Mr. Ross may then file a reply to the information, if any, that Mr. Brewer submits. Mr. Ross's reply is due no later than November 22,

2017.

SO ORDERED this 18th day of October, 2017.

BY THE COURT:



TENA CAMPBELL
U.S. District Court Judge