IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOSEPH DONALD GREENE,	)	
	)	
Plaintiff,	)	**Civil Action No. 7:20cv00208**
	)	
v.	)	**MEMORANDUM OPINION**
	)	
BOBBY RUSSELL,	)	**By: Hon. Thomas T. Cullen**
	)	**United States District Judge**
Defendant.	)	

This matter is before the court upon Greene's motions for partial summary judgment (ECF Nos. 14 and 20) in this civil action filed under 42 U.S.C. § 1983. The court is currently waiting for Greene to file an amended complaint (*see* ECF No. 21), and the defendant has neither been notified of this action nor has he responded to the complaint. Without notice and a response from the defendant, the court cannot appropriately assess whether genuine issues of material fact exist. Accordingly, the court finds that Greene's motions for partial summary judgment are premature and, therefore, will deny the motions without prejudice. *See e.g.*, *Minyard v. Hooks*, No. 1:17-cv-283-FDW, 2018 U.S. Dist. LEXIS 68836, at *9, 2018 WL 1934079 (W.D.N.C. Apr. 23, 2018).

ENTERED this 17th day of February, 2021.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

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