

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

WAYNE ALEXANDER,)
)
 Plaintiff,)
)
 vs.) No. 02-2983DV
)
 JOSHUA A. NEWMAN, et al.,)
)
 Defendants.)

ORDER GRANTING DEFENDANTS' MOTION TO STRIKE OR IN THE ALTERNATIVE
OBJECTION TO THE ATTACHMENTS TO PLAINTIFF'S AFFIDAVIT, HEARSAY,
AND INADMISSIBLE STATEMENTS

Before the court is the motion of the defendants, Newman and Luhrs, filed July 8, 2004, to strike the attachments to the plaintiff's affidavit, hearsay, and other inadmissible statements in the affidavit, or, in the alternative, noting objections to these matters and requesting the court to disregard them when ruling on the defendants' motion for summary judgment. The motion was referred to the United States Magistrate Judge for determination. For the reasons that follow, the motion is granted.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. The plaintiff has not filed a response to this motion, and the time for responding has now expired. Rule 7.2(a)(2) further provides that "[f]ailure to respond timely to any motion .

. . may be deemed good grounds for granting the motion."

In the absence of any response by the plaintiff, the defendants' motion is granted. The attachments to the plaintiff's affidavit, facts and documents referred to in the plaintiff's affidavit which are not part of the record, hearsay in the affidavit, and other statements in the affidavit of the plaintiff not based on the plaintiff's personal knowledge are ordered stricken and will not be considered by the court in ruling on summary judgment.

IT IS SO ORDERED this 28th day of July, 2004.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE