



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ALFREDO PRIETO,	)	
	)	
Plaintiff,	)	
	)	1:12cv1199 (LMB/IDD)
	)	
HAROLD W. CLARKE, <u>et al.</u>	)	
	)	
Defendants.	)	

ORDER

In their response to defendants' Motion for Summary Judgment plaintiff's counsel correctly argue that defendants' motion is premature because plaintiff has not had a chance to conduct discovery into facts which would be relevant to defendants' motion. For this reason, it is hereby

ORDERED that defendants' Motion for Summary Judgment [Dkt. No. 24] be and is DENIED WITHOUT PREJUDICE, and it is further

ORDERED that a Scheduling Order be issued forthwith.

The Clerk is directed to forward a copy of this Order to counsel of record.

Entered this 20<sup>th</sup> day of February, 2013.

Alexandria, Virginia

*LMB*  
\_\_\_\_\_  
/s/ Leonie M. Brinkema  
United States District Judge