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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

JED MARGOLIN,

Plaintiff,

vs.

CHARLES F. BOLDEN, in his official
capacity as Administrator, National
Aeronautics and Space Administration, and
NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,

Defendants.

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) Case No. 3:09-cv-00421-LRH-(VPC)
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) PLAINTIFF’S RESPONSE TO MINUTE
) ORDER IN CHAMBERS REGARDING
) THE REQUIREMENTS OF *Klinge*le v.
) *Eikenberry* and *Rand v. Rowland* (#24)
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15 Comes now Plaintiff, Jed Margolin (“Margolin”), appearing pro se, and files this
16 PLAINTIFF’S RESPONSE TO MINUTE ORDER IN CHAMBERS REGARDING THE
17 REQUIREMENTS OF *Klinge*le v. *Eikenberry* and *Rand v. Rowland* (#24) (“Minute Order”).
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19 The Court’s Minute Order states:

20 Pursuant to the last sentence in Fed. R. Civ. P. 12(b), if evidence is submitted with a motion
21 to dismiss and considered by the court, then the motion will be treated as a motion for
22 summary judgment. The same is true regarding a motion for judgment on the pleadings. *See*
23 Fed. R. Civ. P. 12(c). **This notice is issued, in part, to alert the plaintiff that if**
24 **defendants have submitted evidence in support of a motion to dismiss or a motion for**

1 **judgment on the pleadings, then the court may treat the pending motion as a motion**
2 **for summary judgment. If the court grants summary judgment, then judgment may be**
3 **entered against plaintiff and this lawsuit will end without trial.** This notice contains
4 important information about what you need to do to oppose the motion. Please read it
5 carefully.
6

7 Defendants' Motion to Dismiss (#23) should not be construed as a Motion for Summary
8 Judgment because the motion raised only a legal issue – a jurisdictional challenge; the motion
9 did not include the submission of any evidence.

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11 Conclusion

12 Defendants' Motion to Dismiss (#23) was submitted without evidence. Therefore, it should not
13 be considered a motion for summary judgment.

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15 Respectfully submitted,

16
17 /Jed Margolin/

18 Jed Margolin, plaintiff pro se
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24 Dated: March 5, 2010
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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that service of the foregoing PLAINTIFF'S RESPONSE TO MINUTE ORDER IN CHAMBERS REGARDING THE REQUIREMENTS OF *Klinge v. Eikenberry and Rand v. Rowland* (#24) has been made by electronic notification through the Court's electronic filing system on March 5, 2010.

/Jed Margolin/

Jed Margolin