

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-1296 JRT/FLN

CHRISTOPHER ROLLER,)	
)	
Plaintiff,)	UNITED STATES'
)	RESPONSE TO MOTION
v.)	FOR PARTIAL SUMMARY
)	JUDGMENT AND RESPONSE
THE JAMES RANDI EDUCATIONAL,)	TO PLAINTIFF'S
FOUNDATION, INC.,)	OPPOSITION TO DISMISSAL
ANTHONY OSTLUND & BAER, P.A.,)	
BOSLEY MEDICAL GROUP,)	
GE MEDICAL SYSTEMS INFORMATION)	
TECHNOLOGIES, INC.,)	
LAKEWOOD CHURCH,)	
MASLON EDELMAN BORMAN & BRAND,)	
STATE OF MINNESOTA,)	
UNITED STATES,)	
)	
Defendants.)	

SUMMARY OF PLAINTIFF'S MOTION

Plaintiff has filed a motion for partial summary judgment. He insists that federal actors or entities have tried to kill him. The **government denies that such** attempts were made and in any event believes that defendant's pending motion to dismiss must be granted for the reasons set forth in the government's memorandum in support of motion to dismiss C.D. 62.¹ The government requests the court to consider the

¹C.D. refers to the Clerk's Docket for the current federal district court action. The number following pertains to the number of the filing referenced.

record as a whole including the referenced memorandum in determining this case.

DISCUSSION

Plaintiff's motion for partial summary judgment must fail for the following reasons:

First, defendant has a pending motion to dismiss before the court. In its pending motion, the federal defendant seeks the dismissal of plaintiff's complaint pursuant to Federal Rules of Civil Procedure, Rules 12(b)(1), 12(b)(2), 12(b)(5) and 12(b)(6).

Defendant details the basis for its dispositive motion in its memorandum in support of motion to dismiss, and incorporates these arguments herein, by reference. See C.D. 62. Plaintiff's motion for partial summary judgments.

Second, a party moving for summary judgment bears the burden of showing that the material facts in the case are undisputed." Pratusky v. Metro Life Ins., 316 F.Supp. 2d 840, 846 (D.Minn. 2004). Plaintiff fails to meet his burden.

Plaintiff's own bald allegation of fact are not "proof", but rather unsubstantiated assertions unsupported by factual evidence to support his claim. These allegations by plaintiff cannot support summary judgment by plaintiff, Rose-Maston v.

NME Hospitals, Inc., 133 F.3d 1104, 1109 citing Miller v. Citizens Security Group, Inc., 116 F. 3d 343, 346 (8th Cir. 1997).

CONCLUSION

Plaintiff's motion for partial summary judgment must be denied. Defendant should be granted dismissal with prejudice.

Dated: August 14, 2007

Respectfully submitted,
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