

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-1298 JNE/JJG

CHRISTOPHER ROLLER,	)	
	)	
Plaintiff,	)	
	)	<b>FEDERAL DEFENDANT'S</b>
v.	)	<b>RESPONSE TO MOTION</b>
	)	<b>FOR PARTIAL SUMMARY</b>
CENTRAL INTELLIGENCE AGENCY,	)	<b>JUDGMENT</b>
	)	
Defendant.	)	

**SUMMARY OF PLAINTIFF'S MOTION**

Plaintiff has filed a motion for partial summary judgment, claiming it is an undisputed fact that the CIA attempted to kill plaintiff Chris Roller.

**DISCUSSION**

Plaintiff's argument fails for two reasons:

First, the 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).

Second, 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) 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. 7. Plaintiff's motion for partial summary judgment cannot defeat defendant's arguments.

**CONCLUSION**

Plaintiff's motion for partial summary judgment must be denied.

Dated: June 27, 2007

Respectfully submitted,  
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