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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOBBY LEE,		CASE NO. 1:05-cv-00802-LJO-BAM PC
Plaintiff,		ORDER GRANTING PLAINTIFF THIRTY
v.		DAYS TO FILE OPPOSITION IN LIGHT OF
		SEPARATELY-ISSUED SUMMARY
DR. WAGNER,		JUDGMENT NOTICE
Defendant.		(ECF No. 77)

Plaintiff Bobby Lee (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint, filed June 1, 2009, against Defendant Wagner for deliberate indifference to medical needs in violation of the Eighth Amendment. On July 2, 2012, Defendant filed a motion for summary judgment. (ECF No. 77.)

In light of the recent decision in Woods v. Carey, Nos. 09-15548, 09-16113, 2012 WL 2626912, at *5 (9th Cir. Jul. 6, 2012), Plaintiff must be provided with “fair notice” of the requirements for opposing a motion for summary judgment at the time the motion is brought and the notice given in this case some two years prior does not suffice. In bringing their motion, Defendant notified Plaintiff of the cases in which he would find the law governing his obligations but that, too, does not suffice. Id.

By separate order issued concurrently with this order, the Court provided the requisite notice. Plaintiff shall be granted thirty days in which to file an opposition to the motion for summary judgment.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Plaintiff shall, within **thirty (30) days** from the date of service of this order, file an
3 opposition or statement of non-opposition to Defendant's motion for summary
4 judgment; and
- 5 2. If Plaintiff fails to file an opposition or statement of non-opposition in compliance
6 with this order, this action will be dismissed, with prejudice, for failure to prosecute.

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9 IT IS SO ORDERED.

10 **Dated: July 12, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE