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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

David D. Harris,
Plaintiff,

vs.

Bruce M. Bakeman, et al.
Defendants.

No. 1:05-CV-01097 SRB

ORDER

Defendant Bruce M. Bakeman has filed a Motion for Summary Judgment (docket #57) pursuant to Rule 56 of the Federal Rules of Civil Procedure.

NOTICE--WARNING TO PLAINTIFF

THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT¹

The Defendant's Motion for Summary Judgment seeks to have your case dismissed. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result

¹ *Rand v. Rowland*, 154 F.3d 952, 962 (9th Cir. 1998) (*en banc*).

1 of your case, the party who asked for summary judgment is entitled to judgment as a matter
2 of law, which will end your case. When a party you are suing makes a motion for summary
3 judgment that is properly supported by declarations (or other sworn testimony), you cannot
4 simply rely on what your complaint says. Instead, you must set out specific facts in
5 declarations, depositions, answers to interrogatories, or authenticated documents, as provided
6 in Rule 56(e), that contradict the facts shown in the Defendants' declarations and documents
7 and show that there is a genuine issue of material fact for trial. If you do not submit your
8 own evidence in opposition, summary judgment, if appropriate, may be entered against you.
9 If summary judgment is granted, your case will be dismissed and there will be no trial.

10 You must timely respond to all motions. The Court may, in its discretion, treat
11 your failure to respond to Defendant's Motion for Summary Judgment as a consent to the
12 granting of that Motion without further notice, and judgment may be entered dismissing this
13 action with prejudice.

14 **IT IS ORDERED** that Plaintiff must file a response to Defendant's Motion
15 for Summary Judgment no later than **February 24, 2009**.

16 **IT IS FURTHER ORDERED** that Defendant may file a reply within 15 days
17 after service of Plaintiff's response.

18 **IT IS FURTHER ORDERED** that the Motion for Summary Judgment will
19 be deemed ready for decision without oral argument on the day following the date set for
20 filing a reply unless otherwise ordered by the Court.

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22 DATED this 23rd day of January, 2009.

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26 Susan R. Bolton
27 United States District Judge
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