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

Parnell Curtis,)	No. 1:06-CV-0230-SMM
Plaintiffs,)	NOTICE-WARNING
v.)	
Buckley, et al.,)	
Defendants.)	

Defendants have filed a Motion for Summary Judgment (Doc. 91) 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 Defendants' 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.

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

11 Rule 260(b) of the Local Rules of Civil Procedure also requires that you include with
12 your response to the Motion for Summary Judgment a reproduction of Defendants' Statement
13 of Undisputed Facts in which you admit facts that are undisputed and deny those that are in
14 dispute. The Rule requires that for any fact you deny you include a citation to a pleading,
15 affidavit, deposition, interrogatory answer, admission or other document that supports your
16 denial. If you wish, you may also file a separate Statement of Disputed Facts that contains
17 any additional facts in dispute with citations to the record (i.e. the documents such as
18 affidavits and depositions that are listed above.)

19 You must timely respond to all motions. You have 30 days from the issuance of this
20 order to file your Opposition, which means you must respond by December 2, 2010.

21 **IT IS ORDERED** that Plaintiff must file a response to Defendants' Motion for
22 Summary Judgment, including a document admitting or denying the facts presented in
23 Defendants' Statement of Undisputed Facts together with supporting affidavits or other
24 appropriate exhibits, no later than December 2, 2010.

25 **IT IS FURTHER ORDERED** that Defendants may file a reply within 14 days after
26 service of Plaintiff's response.

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

DATED this 2nd day of November, 2010.



Stephen M. McNamee
United States District Judge