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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RAYMOND WRIGHT,

Plaintiff,

v.

SCOTT KEBNAN, et al.,

Defendants.

CASE NO. 1:07-cv-00462-AWI-BAM PC

ORDER PERMITTING PLAINTIFF  
OPPORTUNITY TO WITHDRAW OPPOSITION  
AND FILE AMENDED OPPOSITION IN LIGHT  
OF SEPARATELY-ISSUED SUMMARY  
JUDGMENT NOTICE

(ECF No. 114)

THIRTY-DAY DEADLINE

Plaintiff Raymond Wright (“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 against Defendants Lefler, Figueroa, Gonzalez, Hernandez, Rivera, Desbit, Lima, Peterson, Pearce, Baires, Pennington, Grannis, Kernan, Orozco, and Miller.

On March 7, 2012, Defendants filed a motion for summary judgment. Plaintiff filed an opposition on April 9, 2012, Defendants filed a reply on April 16, 2012, and the motion was submitted under Local Rule 230(l).

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 three years prior does not suffice. Id.

By separate order issued concurrently with this order, the Court provided the requisite notice. The Court will not consider multiple oppositions, however, and Plaintiff has two options

1 upon receipt of the notice and this order. Plaintiff may either (1) stand on his previously-filed  
2 opposition or (2) withdraw it and file an amended opposition.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. Plaintiff may, within **thirty (30) days** from the date of service of this order,  
5 withdraw his opposition and file an amended opposition;
- 6 2. If Plaintiff does not file an amended opposition in response to this order, his  
7 existing opposition will be considered in resolving Defendants' motion for  
8 summary judgment; and
- 9 3. If Plaintiff elects to file an amended opposition, Defendants' existing reply will  
10 not be considered and they may file an amended reply pursuant to Local Rule  
11 230(1).

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14 IT IS SO ORDERED.

15 **Dated: July 12, 2012**

/s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE  
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