

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAUL BARRIOS PEREZ,

CASE NO. 1:07-cv-01794-LJO-BAM PC

Plaintiff,

ORDER GRANTING PLAINTIFF THIRTY DAYS IN WHICH TO FILE AN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IN LIGHT OF SEPARATELY-ISSUED SUMMARY JUDGMENT NOTICE

v.

DILL, et al.,

Defendants.

(ECF No. 82)

Plaintiff Saul Barrios Perez ("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 the first amended complaint against Defendants Dill, Harden, Sobbe, Sandoval, Tyson, Chan, and Brown for deliberate indifference to conditions of confinement in violation of the Eighth Amendment. On March 2, 2012, Defendants filed a motion for summary judgment.

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 received an extension of time on June 21, 2012 to file an opposition to Defendants' motion for summary judgment. If Plaintiff files an opposition prior to receiving this notice he may either (1) stand on his previously-filed opposition or (2) withdraw it and file an amended opposition.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff shall, within **thirty (30) days** from the date of service of this order file an opposition to Defendants' motion for summary judgment; and
2. If Plaintiff does not file an opposition in compliance with this order, this action will be dismissed for failure to comply with a court order.

IT IS SO ORDERED.

Dated: July 12, 2012

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