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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Fresno Division**

CHARLES AUSTIN PARKS,
CDCR #K-72151,

Plaintiff,

vs.

R. TAIT, et al.,

Defendants.

Civil No. 1:08-cv-01031 MLH (JMA)

**ORDER DIRECTING PLAINTIFF
TO FILE OPPOSITION AND RE-
SETTING BRIEFING SCHEDULE
REGARDING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

[Doc. No. 64]

On June 1, 2010, Defendants Tait, Huff, Davis, Flores, Berry and Rendon filed a Motion for Summary Judgment pursuant to FED.R.CIV.P. 56 [Doc. No. 64].

On June 9, 2010, the Court issued a briefing schedule and provided Plaintiff with notice regarding his obligations to oppose summary judgment pursuant to *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952, (9th Cir. 1998) (en banc) [Doc. No. 65]. Plaintiff was directed to file and serve his Opposition or Statement of Non-Opposition no later than July 12, 2010; Defendants were directed to Reply by July 19, 2010.

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1 Plaintiff has failed to comply with the Court's June 9, 2010 Order. However, he has since
2 filed a Motion to Compel and a Request for Sanctions, which indicate a desire to further
3 prosecute this action and an intention to garner further evidence in support of his claims [Doc.
4 No. 66].

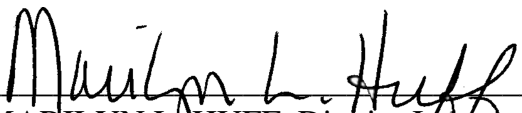
5 Therefore, because Plaintiff remains incarcerated and is proceeding without counsel, the
6 Court hereby reminds him of his obligation to oppose Defendants' Motion for Summary
7 Judgment and sua sponte extends the time in which he may do so. *See Rand*, 154 F.3d at 960
8 (reaffirming requirement that a "pro se prisoner be informed of his or her right to file
9 counter-affidavits or other responsive evidentiary materials and be alerted to the fact that the
10 failure to do so might result in the entry of summary judgment against [him].")

11 **Conclusion and Order**

12 Accordingly, the Court hereby DIRECTS Plaintiff to file with the Court and serve upon
13 Defendants an Opposition (including any supporting documents) to their Motion for Summary
14 Judgment [Doc. No. 64] on or before **Thursday, August 12, 2010**.¹ Defendants' Reply to any
15 Opposition Plaintiff submits must be filed and served no later than **Thursday, August 19, 2010**.
16 Thereafter, the Court will consider Defendants' Motion for Summary Judgment as submitted on
17 the record. Unless otherwise ordered, no appearances are required and no oral argument will be
18 heard. *See* E. D. CAL. CIVLR 230(l).

19 IT IS SO ORDERED.

20 Dated: July 21, 2010

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22 _____
23 MARILYN L. HUFF, District Judge
24 UNITED STATES DISTRICT COURT
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27 ¹ Correctional officials at California State Prison–Sacramento are hereby directed not to limit
28 the amount of copies necessary for Plaintiff to prepare his Opposition which is "necessary to advance
[this] litigation." CAL. CODE REGS., tit. 15 § 3162(c) (2009).