

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

10 Kevin Gunn, ) No. 1:08-CV-1039- SRB  
11 Plaintiff, )  
12 vs. ) **ORDER**  
13 )  
14 James Tilton, et al. )  
15 Defendants. )  
\_\_\_\_\_ )

Defendants Ramos, Witcher, Crounse and Stevens have filed a Motion for Summary Judgment (docket #31) 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 COURT<sup>1</sup>**

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

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

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

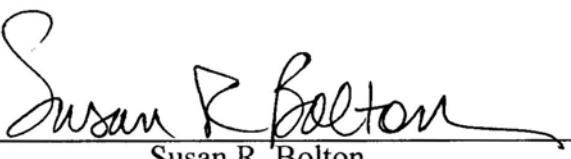
11 You must timely respond to all motions. The Court may, in its discretion, treat  
12 your failure to respond to Defendants' Motion for Summary Judgment as a consent to the  
13 granting of that Motion without further notice, and judgment may be entered dismissing this  
14 action with prejudice.

15 **IT IS ORDERED** that Plaintiff must file a response to Defendants' Motion  
16 for Summary Judgment no later than **May 12, 2010**.

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

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

23 DATED this 9<sup>th</sup> day of April, 2010.

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26   
27 Susan R. Bolton  
28 United States District Judge