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

John Fratus,)	No. CV-08-01500-ROS
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Sergeant Peterson, et al.,)	
)	
Defendants.)	

Defendants have filed a Motion for Summary Judgment (Doc. 71) 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 of your case, the party who asked for summary judgment is entitled to judgment as a matter

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

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

9 Rule 56-260 of the Local Rules of the United States District Court Eastern District of
10 California also requires that you include with your response to the Motion for Summary
11 Judgment a separate statement of facts in opposition to the Motion for Summary Judgment.
12 Your separate statement of facts must "admit those facts that are undisputed and deny those
13 that are disputed, including with each denial a citation to the particular portions of any
14 pleading, affidavit, deposition, interrogatory answer, admission or other document relied
15 upon in support of that denial." Rule 56-260(b).

16 You must timely respond to all motions. The Court may, in its discretion, treat your
17 failure to respond to Defendants' Motion for Summary Judgment as a consent to the granting
18 of that Motion without further notice, and judgment may be entered dismissing this action
19 with prejudice. See Brydges v. Lewis, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

20 **IT IS ORDERED** that Plaintiff shall file his opposition to the motion for summary
21 judgment no later than **April 15, 2011**.

22 **IT IS FURTHER ORDERED** that Defendants shall file their reply within 15 days
23 after service of Plaintiff's opposition.

24 DATED this 9th day of March, 2011.

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Roslyn O. Silver
Chief United States District Judge