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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

STEVEN ROBERT CERNIGLIA,

Plaintiff,

v.

SGT. JULIA CARONA, et al.,

Defendants.

CASE NO. 1:09-cv-00651-AWI-DLB PC

ORDER FOR PLAINTIFF TO EITHER FILE AN AMENDED OBJECTION TO DEFENDANTS’ MOTION TO DISMISS OR NOTIFY COURT OF INTENT TO PROCEED ON OBJECTION FILED

THIRTY-DAY DEADLINE

Plaintiff Steven Robert Cerniglia (“Plaintiff”) is a civil detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint, filed April 4, 2009, against Defendants Corona<sup>1</sup> and L. Franks under section 1983 for denying him visitation with his minor nephew on July 18, 2008. (Doc. 1.) On April 30, 2010, Defendants filed a motion for summary judgment. (Doc. 29.) Plaintiff filed an opposition on May 25, 2010. (Docs. 32, 33, 34, 35, 36, 37.) Defendants filed a reply on June 15, 2010. (Doc. 38.) The second informational order was not issued in this case. For that reason, the order will now be issued. Rand v. Rowland, 154 F.3d 952, 962 (9th Cir. 1998) (notice to pro se litigants of requirements for opposing summary judgment notice is required).

Plaintiff will be given leave to amend his opposition to Defendants’ motion. If Plaintiff does file an amended opposition, it must be complete in itself, the Court will not consider the opposition

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<sup>1</sup>Misspelled as Carona in complaint.

1 previously filed.

2 Accordingly, the Court HEREBY ORDERS as follows:

- 3 1. The Clerk's Office shall send Plaintiff the second informational order;
- 4 2.. Within **thirty (30) days** from the date of service of this order, Plaintiff shall either  
5 file an amended opposition or notify the Court that he wishes to proceed on the  
6 opposition filed May 25, 2010; and
- 7 3. If Plaintiff fails to file an amended opposition, the Court will proceed to decide the  
8 motion on the opposition previously filed.

9 IT IS SO ORDERED.

10 Dated: October 25, 2010

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13 UNITED STATES MAGISTRATE JUDGE  
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