

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

JIMMY MCDONALD,

CASE NO. 1:09-cv-00730-LJO-SKO PC

Plaintiff,

ORDER STRIKING OPPOSITION AND  
REQUIRING PLAINTIFF TO FILE AMENDED  
OPPOSITION WITHIN THIRTY DAYS

v.

J. A. YATES, et al.,

(Doc. 82)

Defendants.

Plaintiff Jimmy McDonald, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 24, 2009. On July 6, 2012, Defendants filed a motion for summary judgment, and on July 11, 2012, Plaintiff filed his opposition.

On July 9, 2012, the Court issued an order notifying Plaintiff of the requirements for opposing a motion for summary judgment, following the Ninth Circuit’s decision in Woods v. Carey, Nos. 09-15548, 09-16113, 2012 WL 2626912 (9th Cir. Jul. 6, 2012). (Doc. 79.) Plaintiff filed his opposition without the benefit of that requisite “fair notice.” Woods, 2012 WL 2626912, at \*5.

Accordingly, Plaintiff’s opposition filed on July 11, 2012, is HEREBY STRICKEN from the record and Plaintiff has **thirty (30) days** from the date of service of this order within which to file an amended opposition.

IT IS SO ORDERED.

**Dated: July 13, 2012**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE