

1 Local Rule 130. If a document is stapled behind another document, it will not be filed and will not
2 be entered on this Court's docket.

3 3. All documents filed with the Court must be submitted with an additional legible conformed
4 copy for the Court's use. *See* Local Rule 133(d)(2). A document submitted without an extra copy
5 for the Court's use will be stricken. If the filing party would like a file-stamped copy, that party
6 must include an additional copy for that purpose (i.e., submit an original and two copies, one for
7 the Court's use and one to be returned.) The Court cannot provide copy or mailing service for a
8 party, even for an indigent plaintiff proceeding in forma pauperis. Therefore, if the filing party
9 wishes a file-stamped copy returned, the party must also provide an envelope with adequate
10 postage pre-paid. Copies of documents from the Court file may be obtained at the cost of 50 cents
11 per page.

12 4. After any defendants have appeared in an action by filing a pleading responsive to the
13 complaint (i.e., an answer or a motion to dismiss), all documents filed with the Court must include
14 a certificate of service stating that a copy of the document was served on the opposing party. *See*
15 Fed. R. Civ. P. 5; Local Rule 135(c). A document submitted without the required proof of service
16 will be stricken. Where a party is represented, service on the party's attorney of record constitutes
17 effective service.

18 5. All filings must bear the file number assigned to the action, followed by the initials of the
19 District Court Judge and the Magistrate Judge to whom the case is assigned. Where plaintiff
20 simultaneously pursues more than one action, he or she must file separate original documents and
21 the appropriate number of copies in each action to which the document pertains. Documents
22 submitted listing more than one case number in the caption will be stricken.

23 6. The Court cannot serve as a repository for the parties' evidence. The parties may not file
24 evidence with the Court until the course of litigation brings the evidence into question (for
25 example, on a motion for summary judgment, at trial, or when requested by the Court). Evidence
26 improperly submitted to the Court will be stricken and returned to the party.

27 7. All Court deadlines will be strictly enforced. Requests for time extensions must set forth
28 the reason for the extension and must be filed with the Court before the deadline in question. *See*

1 Local Rule 144.

2 8. A defendant proceeding in propria persona has an affirmative duty to keep the Court and
3 opposing parties informed of his or her current address. If a defendant moves and fails to file a
4 notice of change of address, service of Court orders at defendant's prior address shall constitute
5 effective notice. *See* Local Rule 182(f). If mail directed to defendant is returned by the U.S.
6 Postal Service as undeliverable, the Court will not attempt to re-mail it. If the address is not
7 updated within 60 days of the returned mail, the action will be dismissed for failure to prosecute.
8 *See* Local Rule 183(b).

9 9. Due to the voluminous filings in this district, the Court cannot respond to individual
10 requests for the status of cases; any such requests will be denied. If the parties inform the Court of
11 any address changes in compliance with Local Rule 183(b), the Court will notify the parties of any
12 Court action taken in their case.

13 10. Defendant must respond to the complaint within the time provided by the applicable
14 provisions of Fed. R. Civ. P. 12(a).

15 11. Unless otherwise ordered, all motions to dismiss, motions for summary judgment, motions
16 concerning discovery, motions pursuant to Fed. R. Civ. P. 7, 11, 12, 15, 41, 55, 56, 59 and 60, and
17 motions pursuant to Local Rule 110 shall be briefed pursuant to Local Rule 230. Failure to
18 oppose such a motion timely may be deemed a waiver of opposition to the motion.

19 12. At some point in the litigation, plaintiff may move for summary judgment as to some or all
20 of plaintiff's claims. Such a motion is a request for an order for judgment on some or all of
21 plaintiff's claims in favor of plaintiff without trial. *See* Fed. R. Civ. P. 56(b). Plaintiff's motion
22 will set forth the facts which plaintiff contends are not reasonably subject to dispute and that
23 entitle the plaintiff to judgment as a matter of law. *See* Fed. R. Civ. P. 56(c). Pursuant to *Klinge*
24 *v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988), defendant is advised of the following requirements
25 for opposing a motion for summary judgment made by defendants pursuant to Fed. R. Civ. P. 56.
26 Defendant has the right to oppose a motion for summary judgment. To oppose the motion,
27 defendant must show proof of his defenses. Defendant may agree with the facts set forth in a
28 plaintiff's motion but argue that plaintiff is not entitled to judgment as a matter of law. Defendant

1 may show a plaintiff's facts are disputed in one or more of the following ways: (1) defendant may
2 serve and file affidavits or declarations setting forth the facts which defendant believes dispute
3 plaintiff's claims (the persons who sign the affidavit or declaration must have personal knowledge
4 of the facts stated); (2) defendant may rely upon written records, but defendant must prove that
5 the records are what defendant claims they are; (4) defendant may also rely upon all or any part of
6 the transcript of one or more depositions, answers to interrogatories, or admissions obtained in this
7 proceeding. Should defendant fail to contradict the plaintiff's motion with affidavits, declarations,
8 or other evidence, plaintiff's evidence will be taken as truth, and final judgment may be entered
9 without a full trial. *See* Fed. R. Civ. P. 56(e).

10 If there is some good reason why such facts are not available to defendant when required to
11 oppose such a motion, the Court will consider a request to postpone considering a plaintiff's
12 motion. *See* Fed. R. Civ. P. 56(d). If defendant does not serve and file a request to postpone
13 consideration of the plaintiff's motion or written opposition to the motion, the court may consider
14 defendant's failure to act as a waiver of opposition to the plaintiff's motion. Defendant's waiver
15 of opposition to the plaintiff's motion may result in the entry of summary judgment against
16 defendant.

17 13. A motion supported by affidavits or declarations that are unsigned will be stricken.

18 14. The failure of any party to comply with the order, the Federal Rules of Civil Procedure, or
19 the Local Rules of Court, may result in the imposition of sanctions including, but not limited to,
20 dismissal of the action or entry of default.

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22 IT IS SO ORDERED.

23 Dated: November 13, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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