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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	JUAN JAIMES,) Case No.: 1:14-cv-00952-LJO-SAB (PC)	
12	Plaintiff,)) \ ORDER DENYING DEFENDANT BARNES'	
13	v.) MOTION FOR SUMMARY JUDGMENT) WITHOUT PREJUDICE FOR FAILURE TO	
14	DR. ROBERT J. BARNES, et al.,) PROVIDE <u>RAND</u> NOTICE	
15	Defendants.) [ECF No. 66]	
16		, _)	
17	Plaintiff Juan Jaimes is appearing pro se and in forma pauperis in this civil rights action		
18	pursuant to 42 U.S.C. § 1983.		
19	On October 3, 2016, Defendant Barnes filed a motion for summary judgment. (ECF No. 66.)		
20	In Woods v. Carey, 684 F.3d 934, 939 (9th Cir. 2012), the Ninth Circuit held that a pro se		
21	prisoner plaintiff must be provided with "fair notice" of the requirements for opposing a motion for		
22	summary judgment at the time the motion is brought. Review of the current motion shows that		
23	Defendants did not provide Plaintiff with a Rand notice upon the filing of the motion for summary		
24	judgment. See Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998). Since Defendants failed to provide		
25	Plaintiff with the required notice concurrent with the filing of the motion, this motion shall be denied		
26	without prejudice, subject to refiling with the appropriate notice to Plaintiff. <u>Wood v. Carey</u> , 684 F.3d		
27	at 936, 938-941.		
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1	Accordingly, IT IS HEREBY ORDERED that:			
2	1.	Defendants' motion for summary judgment is DENIED WITHOUT PREJUDICE;		
3	2.	Defendants shall file their motion for summary judgment within fourteen (14) days of		
4		the date of entry of this order	and shall provide Plaintiff with the appropriate Rand	
5		notice; and		
6	3.	Plaintiff shall file his opposition to the motion for summary judgment within twenty		
7		one (21) days of the date of service of the motion.		
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9	IT IS SO OR	DERED.	SIR	
10	Dated: 0	<u>ctober 4, 2016</u>	Ching N. Jac	
11			UNITED STATES MAGISTRATE JUDGE	
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