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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

QUINCY BROWN,)	Case No.: 1:16-cv-00751-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING DEFENDANTS’ MOTION
v.)	FOR SUMMARY JUDGMENT, WITHOUT
)	PREJUDICE, FOR FAILURE TO PROVIDE
R. ROBLES, et al.,)	<u>RAND</u> NOTICE
)	
Defendants.)	[ECF No. 17]
)	
)	FOURTEEN DAY DEADLINE

Plaintiff Quincy Brown is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 5, 2018, Defendants filed a motion for summary judgment. (ECF No. 17.)

In Woods v. Carey, 684 F.3d 934, 939 (9th Cir. 2012), the Ninth Circuit held that a pro se prisoner plaintiff must be provided with “fair notice” of the requirements for opposing a motion for summary judgment at the time the motion is brought. Review of the current motion shows that Defendants did not provide Plaintiff with a Rand notice upon the filing of the motion for summary judgment. See Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998). Defendants have failed to provide Plaintiff with the proper required Rand notice. In particular, Defendants failed to file a separate form notice of *all* the Rand requirements independent of the summary judgment motion or papers filed in support thereof. Rand, 154 F.3d at 960. In addition, Defendants failed to advise Plaintiff of the

1 contents of any applicable Eastern District of California Local Rule requirements, i.e. Local Rule 260.
2 Id. at 961.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Defendants' motion for summary judgment is DENIED WITHOUT PREJUDICE; and
- 5 2. Defendants shall file their motion for summary judgment within fourteen (14) days of
6 the date of entry of this order and shall provide Plaintiff with the appropriate Rand
7 notice.

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9 IT IS SO ORDERED.

10 Dated: March 22, 2018


UNITED STATES MAGISTRATE JUDGE

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