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

STEVEN R. EDWARDS,	)	Case No.: 1:16-cv-00975-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING MOTION FOR SUMMARY
v.	)	JUDGMENT, WITHOUT PREJUDICE, FOR
	)	FAILURE TO PROVIDE THE APPROPRIATE
MAGALLANES, et al.,	)	<u>RAND</u> NOTICE
	)	
Defendants.	)	[ECF No. 27]
	)	
	)	

Plaintiff Steven R. Edwards is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 12, 2018, Defendants filed a motion for summary judgment. (ECF No. 27.) Defendants also delivered a courtesy copy of the motion to the Court.

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 (ECF No. 27) is DENIED WITHOUT  
5 PREJUDICE;
- 6 2. Defendants are granted an extension of time, shall file their motion for summary  
7 judgment within **fourteen (14) days** of the date of entry of this order, and shall provide  
8 Plaintiff with the appropriate Rand notice;
- 9 3. Defendants are relieved of their obligation to provide any additional courtesy copy to  
10 the Court of their summary judgment motion. Local Rule 130(b);
- 11 4. Within thirty (30) days from the date of service of the Defendants' motion for summary  
12 judgment, Plaintiff may file an opposition; and
- 13 5. Defendants may file a reply to any opposition within seven (7) days from the date it is  
14 filed.

15  
16 IT IS SO ORDERED.

17 Dated: November 6, 2018

  
UNITED STATES MAGISTRATE JUDGE