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

ANGEL LUIS GALLARDO,)	Case No. 1:17-cv-00390-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING DEFENDANT GARCIA'S
v.)	MOTION FOR SUMMARY JUDGMENT,
)	WITHOUT PREJUDICE, FOR FAILURE TO
STU SHERMAN, et al.,)	PROVIDE <u>RAND</u> NOTICE
)	
Defendants.)	[ECF No. 59]
)	
)	

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

On March 5, 2019, Defendant Garcia filed a motion for summary judgment. (ECF No. 59.)

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 Defendant Garcia’s motion shows that he 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). In particular, Defendant failed to advise Plaintiff of the contents of any applicable Eastern District of California Local Rule requirements, *i.e.*, Local Rule 260. Rand, at 961.

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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant Garcia' motion for summary judgment (ECF No. 59) is DENIED WITHOUT PREJUDICE;
2. Defendant is granted an extension of time, shall file his motion for summary judgment within **seven (7) days** of the date of entry of this order, and shall provide Plaintiff with the appropriate Rand notice; and
3. After the time for Defendant Garcia to file a properly noticed motion for summary judgment, the Court will set a deadline for Plaintiff to file an opposition to the outstanding motion(s).

IT IS SO ORDERED.

Dated: March 8, 2019



UNITED STATES MAGISTRATE JUDGE