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

RELMON H. DAVIS, III.,)	Case No.: 1:18-cv-00610-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING DEFENDANT OLIVERA’S
v.)	MOTION FOR SUMMARY JUDGMENT,
)	WITHOUT PREJUDICE, FOR FAILURE TO
GIBSON, et.al.,)	PROVIDE <u>RAND</u> NOTICE
)	
Defendants.)	[ECF No. 64]
)	
)	
)	

Plaintiff Relmon H. Davis, III. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 24, 2019, Defendant M. Olivera filed a motion for summary judgment. (ECF No. 64.)

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 Olivera's motion for summary judgment (ECF No. 64) is DENIED WITHOUT PREJUDICE;
2. Defendant is granted an extension of time, shall file the 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 Olivera to file a properly noticed motion for summary judgment, Plaintiff has thirty (30) days to file a response.

IT IS SO ORDERED.

Dated: April 25, 2019



UNITED STATES MAGISTRATE JUDGE