



1 discovery to August 5, 2024, and the deadline for filing a dispositive motion to October 18, 2024.  
2 (Doc. 55.)

3 On October 15, 2024, Defendants filed a second request to modify the scheduling order,  
4 seeking to extend the deadline for the filing of a dispositive motion. (Doc. 56.) The Court granted  
5 the second request and extended the deadline for filing a dispositive motion from October 18,  
6 2024, to November 18, 2024. (Doc. 57.)

7 On November 18, 2024, Defendants filed their motion for summary judgment. (Doc. 58.)  
8 Defendants' motion included a *Rand*<sup>1</sup> warning (Doc. 58-11), specifically addressing the  
9 requirements concerning an opposition to a motion for summary judgment.

10 When Plaintiff failed to file an opposition or statement of non-opposition to Defendants'  
11 motion, the Court issued its Order to Show Cause (OSC) in Writing Why Sanctions Should Not  
12 Be Imposed for Plaintiff's Failure to File an Opposition or Statement of Non-Opposition on  
13 December 18, 2024. (Doc. 60.) Plaintiff was directed to respond within 14 days. (*Id.* at 3.)

14 On January 6, 2025,<sup>2</sup> Plaintiff timely responded to the OSC. (Doc. 61.)

## 15 **II. DISCUSSION**

16 Plaintiff states he did not receive, and declares he does not recall receiving, Defendants'  
17 motion for summary judgment filed November 18, 2024. (Doc. 61 at 1, 3.) He asks that Defendants'  
18 "reissue" their motion and states he "will respond within the time constraint that the Court order."  
19 (*Id.* at 1.) Lastly, Plaintiff asks that the Court not sanction him and to send him a copy of  
20 Defendants' motion. (*Id.* at 2.)

21 The Court accepts Plaintiff's explanation and will discharge the OSC. It will direct the Clerk  
22 of the Court to send Plaintiff a copy of Defendants' summary judgment motion *as a one-time*  
23 *courtesy*. Finally, the Court will order Plaintiff to file an opposition or statement of non-opposition  
24 to Defendants' pending summary judgment motion within 21 days.

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27 <sup>1</sup> *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998).

28 <sup>2</sup> Plaintiff's response and accompanying proof of service are dated January 2, 2025. Because January 1, 2025, was a holiday, the January 2, 2025, submission is considered timely.

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**III. CONCLUSION AND ORDER**

For the reasons given above, the Court **HEREBY ORDERS** as follows:

1. The OSC issued December 18, 2024 (Doc. 60) is **DISCHARGED**;
2. The Clerk of the Court is **DIRECTED** to send Plaintiff a copy of Defendants’ motion for summary judgment (Doc. 58) as a one-time courtesy; and
3. Plaintiff **SHALL** file an opposition or statement of non-opposition to Defendants’ summary judgment motion **within twenty-one (21) days** of the date of this order.

IT IS SO ORDERED.

Dated: January 7, 2025

  
UNITED STATES MAGISTRATE JUDGE