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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD KA'ANOI,

Plaintiff,

No. CIV S-07-2722 JKS EFB PS

vs.

DRMS DIRECTOR
LT. GEN. ROBERT T. DAIL,

Defendant.

ORDER

On July 23, 2009, this court ordered plaintiff to show cause why sanctions should not be imposed due to his failure to respond to defendant's motion for summary judgment. Plaintiff has timely responded and demonstrated good cause authorizing continuation of this case without the imposition of sanctions. Accordingly, the order to show cause will be discharged.

Pursuant to the parties' stipulation filed July 29, 2009, and the court's calendar, the following deadlines shall apply: Plaintiff shall file and serve his written opposition to defendant's motion no later than September 30, 2009 and defendants may file and serve a reply on or before October 7, 2009.


Plaintiff is cautioned that his opposition must conform to the substantive parameters set forth in defendant's "Warning to Pro Per Plaintiff Regarding Motion for Summary Judgment," Dckt. No. 33-4. As set forth therein, Fed. R. Civ. P. 56 requires that you "set out specific facts in

1 declarations, depositions, answers to interrogatories, or authenticated documents, as provided in
2 Rule 56(e), that contradict the facts shown in the defendant's declarations and documents and
3 *show that there is genuine issue of material fact for trial.*" (Emphasis added.) The standards set
4 forth in plaintiff's response to the court's order to show cause, while accurate, do not address the
5 factual matters that must be presented to the court in plaintiff's opposition. While plaintiff is
6 encouraged to comply with the guidelines he sets forth, he must do more.

7 Accordingly, this court's July 23, 2009 order to show cause, Dckt. No. 35, is hereby
8 discharged.

9 SO ORDERED.

10 DATED: August 4, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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