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

MALIK JONES,

Plaintiff,

No. 2:09-cv-3174 MCE CKD P

vs.

A. DAVID, et al.,

Defendants.

NOTICE

_____/

Pursuant to the Ninth Circuit’s recent decision in Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), the court hereby reminds plaintiff of the following requirements for opposing the motion for summary judgment filed by defendants on November 30, 2012. (Dkt. No. 76.)¹

Rand Notice to Plaintiff

This notice is provided to ensure that you, a pro se prisoner plaintiff, “have fair, timely and adequate notice of what is required” to oppose a motion for summary judgment. See Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998). The court requires that you be provided with this notice regarding the requirements for opposing a motion for summary judgment under

¹ Plaintiff was advised of these requirements on September 8, 2010 (Dkt. No. 19), and defendants have also included a version of Rand notice in their motion for summary judgment (Dkt. No. 76 at 2).

1 Rule 56 of the Federal Rules of Civil Procedure.

2 When a defendant moves for summary judgment, the defendant is requesting that
3 the court grant judgment in defendant’s favor without a trial. If there is no real dispute about any
4 fact that would affect the result of your case, the defendant who asked for summary judgment is
5 entitled to judgment as a matter of law, which will end your case against that defendant. A
6 motion for summary judgment will set forth the facts that the defendant asserts are not
7 reasonably subject to dispute and that entitle the defendant to judgment.

8 To oppose a motion for summary judgment, you must show proof of your claims.
9 To do this, you may refer to specific statements made in your complaint if you signed your
10 complaint under penalty of perjury and if your complaint shows that you have personal
11 knowledge of the matters stated. You may also submit declarations setting forth the facts that
12 you believe prove your claims, as long as the person who signs the declaration has personal
13 knowledge of the facts stated. You may also submit all or part of deposition transcripts, answers
14 to interrogatories, admissions, and other authenticated documents. For each of the facts listed in
15 the defendant’s Statement of Undisputed Facts, you must admit the facts that are undisputed, and
16 deny the facts that are disputed. If you deny a fact, you must cite to the proof that you rely on to
17 support your denial. See L.R. 260(b). If you fail to contradict the defendant’s evidence with
18 your own evidence, the court may accept the defendant’s evidence as the truth and grant the
19 motion.

20 The court will consider a request to postpone consideration of the defendant’s
21 motion if you submit a declaration showing that for a specific reason you cannot present such
22 facts in your opposition. If you do not respond to the motion, the court may consider your failure
23 to act as a waiver of your opposition. See L.R. 230(1).

24 If the court grants the defendant’s motion, whether opposed or unopposed,
25 judgment will be entered for that defendant without a trial and the case will be closed as to that
26 defendant.

1 Having received the required Rand notice, if plaintiff requires additional time to
2 oppose defendants' motion for summary judgment, he may so request.

3 Dated: December 18, 2012

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6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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