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

DeWAYNE THOMPSON,

No. CIV S-09-3478-CMK-P

Plaintiff,

vs.

ORDER

CHRIS MAUCK, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendant Thompson’s motion for summary judgment (Doc. 35). Plaintiff filed an opposition to the motion (Doc. 27) and defendant filed a reply (Doc. 38). The undersigned issued findings and recommendations on June 14, 2012, recommending the motion be granted. No objections to those findings and recommendations have been filed.

On July 6, 2012, the Ninth Circuit Court of Appeals issued an opinion in Woods v. Carey, ___ F.3d ___, 2012 WL 2626912 (9th Cir. 2012), requiring pro se prisoner plaintiffs be provided notice of what is required of them in order to oppose a motion for summary judgment or motion to dismiss, concurrently with the filing of such a motion. Here, the court provided

1 plaintiff with such notice at the beginning of this case, and the defendant relied upon that notice
2 in the motion for summary judgment. The Ninth Circuit has now concluded such notice
3 insufficient. Defendant has, therefore, filed and served plaintiff with a supplemental notice
4 informing the plaintiff again what is required of him in order to adequately oppose the pending
5 motion for summary judgment. Given this situation, the court has determined plaintiff must be
6 given an opportunity to file a supplemental opposition to the pending motion for summary
7 judgment.

8 If plaintiff so chooses, he may file a supplemental opposition to the motion for
9 summary judgment within 30 days of the date of this order. If plaintiff files a supplemental
10 opposition, defendant may file a supplemental reply within 20 days after the filing of plaintiff's
11 brief. If supplemental briefs are filed, the undersigned will review the filings and issue amended
12 findings and recommendations. If no supplemental briefs are filed, the undersigned will submit
13 the pending findings and recommendations to the District Court for review.

14 IT IS SO ORDERED.

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16 DATED: July 17, 2012

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE
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