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

CLIFFORD ABREU,

Plaintiff,

No. 2:10-cv-1621 JAM CKD P

vs.

MATTHEW L. CATE, et al.,

Defendants.

ORDER DIRECTING

SUPPLEMENTAL BRIEFING

_____/

Plaintiff, a state inmate, proceeds pro se with a civil rights complaint filed pursuant to 41 U.S.C. § 1983 against eight remaining defendants. On November 20, 2012, defendants filed a motion for summary judgment. On the same date, contemporaneously with defendants' motion for summary judgment, plaintiff was advised of the requirements for opposing a motion pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Dkt. No. 56.) See Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc), cert. denied, 527 U.S. 1035 (1999); Woods v. Carey, 684 F.3d 934 (9th Cir. 2012).

In opposition to defendants' motion for summary judgment, plaintiff has set forth his own separate statement of facts containing citations to exhibits. (Dkt. No. 57.) However, plaintiff has failed to comply with the portion of Local Rule 260(b) which requires him to

1 indicate to the court which of the undisputed facts *submitted by defendants* that he admits to be
2 true, and which of the facts *submitted by defendants* that he disputes. In other words, Local Rule
3 260(b) requires plaintiff to respond directly to defendants' statement of undisputed facts rather
4 than submitting a new, separate statement of facts. In order to rule on the pending motion as it is
5 currently briefed, the court would have to comb through plaintiff's 20 page statement of 74
6 separate facts and 149 pages of accompanying exhibits in an attempt to determine which of the
7 undisputed facts set forth by defendants that plaintiff disputes. Although plaintiff's pro se filings
8 are to be construed liberally by this court, it would be a misuse of limited judicial resources for
9 the court to rule on the motion as it is currently briefed.

10 Accordingly, plaintiff will be ordered to supplement his opposition to the
11 defendants' motion for summary judgment by responding specifically to the 30 facts set forth by
12 defendants in their statement of undisputed facts, as Local Rule 260(b) requires.¹ To each of the
13 30 facts set forth by defendants, plaintiff shall state whether he admits the fact or denies the fact
14 and, for each denial, shall provide supporting citations to any pleading, affidavit, deposition,
15 interrogatory answer, admission, or other document relied upon. Plaintiff is notified that his
16 "statement of disputable facts" and exhibits A-G are already before the court (Dkt. Nos. 57, 58)
17 and will be considered by the court in ruling on defendants' motion for summary judgment once
18 plaintiff complies with this order for supplemental briefing. Accordingly, plaintiff need not (and

19 ¹ As plaintiff was previously advised:

20
21 In accordance with Local Rule 260(a), defendants have filed a
22 Statement of Undisputed Facts that contains discrete, specific
23 material facts to support their entitlement to summary judgment.
24 In response to this Statement, Local Rule 260(b) requires you to
25 "reproduce the itemized facts in the Statement of Undisputed Facts
26 and admit those facts that are undisputed [by you] and deny those
that are disputed [by you], including with each denial a citation to
the particular portions of any pleading, affidavit, deposition,
interrogatory answer, admission, or other document relied upon in
support of that denial.

(Dtk. No. 56 at 2.)

1 may not) re-submit his opposition and exhibits that were already filed. Because the purpose of
2 plaintiff's supplemental opposition is only for plaintiff to respond to defendants' undisputed
3 facts, plaintiff's supplemental opposition will be limited to 15 pages in length, plus any necessary
4 exhibits that were not already provided to the court.

5 In accordance with the above, IT IS HEREBY ORDERED that within 30 days of
6 the date of this order, plaintiff shall file a supplemental opposition to defendants' motion for
7 summary judgment not to exceed 15 pages in length in which plaintiff shall respond directly to
8 defendants' statement of undisputed facts in the manner discussed herein. Defendants may file a
9 response within 14 days after service with plaintiff's supplemental opposition.

10 Dated: May 2, 2013

11 
12 _____
13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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16 abre1621.brief