



1 In its prior order and findings and recommendations, the court construed a portion of  
2 plaintiff's response to the motion for summary judgment as a motion to compel discovery, as  
3 indeed it was denominated, and denied it, as it was based on California case law giving criminal  
4 defendants access to police officers' personnel records in certain circumstances. *Pitchess v.*  
5 *Superior Court*, 11 Cal. 3d 531 (1974); see ECF No. 42 at 2-3. It is unclear, however whether  
6 plaintiff was attempting to raise a motion to continue the summary judgment proceedings under  
7 Rule 56(d) of the Federal Rules of Civil Procedure. Even if the motion is so interpreted,  
8 however, it was not sufficient to forestall the ultimate resolution of the summary judgment  
9 motion; nothing he presented in the instant motion satisfies the Rule 56(d) requirements. See  
10 *Terrell v. Brewer*, 935 F.2d 1015, 1018 (9th Cir. 1991) (stating that party seeking more time  
11 under Rule 56(d) (previously 56(f)) must submit a declaration showing what facts he hopes to  
12 discover to raise a material issue of fact).

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The amended findings and recommendations filed February 5, 2014, are adopted in  
15 full;
- 16 2. Defendant's motion for summary judgment (ECF No. 30) is granted; and
- 17 3. This action is dismissed.

18 DATED: March 31, 2014.

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22 UNITED STATES DISTRICT JUDGE  
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