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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRELL DIETLE,

 Plaintiff,

 v.

RAFAEL MIRANDA, et al.,

 Defendants.

No. 2:14-cv-1728 WBS AC P

ORDER

Plaintiff is a state prisoner and proceeding with counsel. Currently before the court is defendant’s fully briefed motion for summary judgment which is set for hearing on September 7, 2016. ECF No. 27. In reviewing the briefing, it has come to the court’s attention that plaintiff’s response to defendant’s statement of undisputed facts fails to comply with Federal Rule of Civil Procedure 56(c) and Local Rule 260(b). Specifically, plaintiff has denied a number of defendant’s facts, but has failed to cite to any evidence on the record to support those denials. Fed. R. Civ. P. 56(c); L.R. 260(b).

Under Rule 56(e), when a party fails to properly address another party’s assertions of fact, the court may “give an opportunity to properly . . . address the fact.” The court will therefore give plaintiff an opportunity to file an amended response to defendant’s statement of undisputed facts to cure the defects and defendant will be given an opportunity to reply to the amended response. Plaintiff is reminded that the court “need consider only the cited materials,” Fed. R.

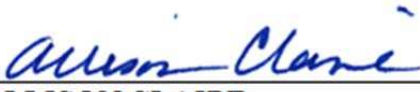
1 Civ. P. 56(c)(3), and that failure to support the denial of a fact with proper citation to the record
2 may result in the fact being deemed undisputed.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff shall have until September 7, 2016, to file an amended response to defendant's
5 statement of undisputed facts that complies with Federal Rule of Civil Procedure 56(c) and Local
6 Rule 260(b). Defendant shall have until September 14, 2016, to file a reply to the amended
7 response.

8 2. The September 7, 2016 hearing on defendant's motion for summary judgment is
9 vacated and re-set for September 21, 2016, at 10:00 a.m. in Courtroom 26.

10 DATED: August 31, 2016

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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