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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD TRUSCHKE, Jr.,
Plaintiff,
v.
JOHN ZUFALL, et al.,
Defendants.

No. 2:15-cv-0701 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter proceeds on plaintiff’s original complaint on an excessive force claim, a mail interference and tampering claim, and a retaliation claim.

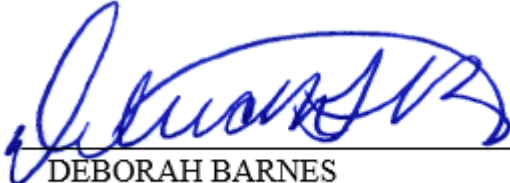
Pending before the court are two motions for summary judgment filed by the defendants, each of which argues in part that plaintiff failed to exhaust his administrative remedies. (ECF Nos. 47, 54.) Neither of these motions, however, is accompanied by a “notice of what is required of [plaintiff] in order to oppose” the summary judgment motions, which was supposed to be filed concurrent with those motions. See Woods v. Carey, 684 F.3d 934, 939-41 (9th Cir. 2012); Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998). Defendants’ failure to provide these concurrent notices is fatal to the pending motions.

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Accordingly, IT IS HEREBY ORDERED that defendants' February 17, 2017, and June 5, 2017, motions for summary judgment (ECF Nos. 47, 54) are denied without prejudice to their renewal within seven (7) days from the date of this order.

Dated: June 28, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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