

1 of the matters stated and plaintiff specifies those parts of the complaint on which plaintiff relies.
2 Plaintiff may serve and file one or more affidavits or declarations setting forth the facts that
3 plaintiff believes prove plaintiff's claims; the person who signs an affidavit or declaration must
4 have personal knowledge of the facts stated. Plaintiff may rely on written records, but plaintiff
5 must prove that the records are what plaintiff asserts they are. Plaintiff may rely on all or any part
6 of the transcript of one or more depositions, answers to interrogatories, or admissions obtained in
7 this proceeding. If plaintiff fails to contradict the defendant's evidence with counteraffidavits or
8 other admissible evidence, the court may accept defendant's evidence as true and grant the
9 motion. If there is some good reason why such facts are not available to plaintiff when required
10 to oppose a motion for summary judgment, the court will consider a request to postpone
11 consideration of the defendant's motion. See Fed. R. Civ. P. 56(d). If plaintiff does not serve and
12 file a written opposition to the motion, or a request to postpone consideration of the motion, the
13 court may consider the failure to act as a waiver of opposition to the defendant's motion. See
14 L.R. 230(1). If the court grants the motion for summary judgment, whether opposed or
15 unopposed, judgment will be entered for the defendant without a trial and the case will be closed
16 as to that defendant.

17 3. If defendants move for summary judgment, defendants must contemporaneously serve
18 with the motion, but in a separate document, a copy of the attached Rand Notice. See Woods v.
19 Carey, 684 F.3d 934, 935 (9th Cir. 2012); Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998).

20 **Failure to do so may constitute grounds for denial of the motion.**

21 Dated: January 3, 2025

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23 _____
24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE

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1 **Rand Notice to Plaintiff**

2 This notice is provided to ensure that you, a pro se prisoner plaintiff, “have fair, timely and adequate notice
3 of what is required” to oppose a motion for summary judgment. See Woods v. Carey, 684 F.3d 934 (9th Cir. 2012);
4 Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998). The court requires that you be provided with this notice
5 regarding the requirements for opposing a motion for summary judgment under Rule 56 of the Federal Rules of Civil
6 Procedure.

7 When a defendant moves for summary judgment, the defendant is requesting that the court grant judgment
8 in defendant’s favor without a trial. If there is no real dispute about any fact that would affect the result of your case,
9 the defendant who asked for summary judgment is entitled to judgment as a matter of law, which will end your case
10 against that defendant. A motion for summary judgment will set forth the facts that the defendant asserts are not
11 reasonably subject to dispute and that entitle the defendant to judgment.

12 To oppose a motion for summary judgment, you must show proof of your claims.¹ To do this, you may
13 refer to specific statements made in your complaint if you signed your complaint under penalty of perjury and if your
14 complaint shows that you have personal knowledge of the matters stated. You may also submit declarations setting
15 forth the facts that you believe prove your claims, as long as the person who signs the declaration has personal
16 knowledge of the facts stated. You may also submit all or part of deposition transcripts, answers to interrogatories,
17 admissions, and other authenticated documents. For each of the facts listed in the defendant’s Statement of
18 Undisputed Facts, you must admit the facts that are undisputed, and deny the facts that are disputed. If you deny a
19 fact, you must cite to the proof that you rely on to support your denial. See L.R. 260(b). If you fail to contradict the
20 defendant’s evidence with your own evidence, the court may accept the defendant’s evidence as the truth and grant
21 the motion.

22 The court will consider a request to postpone consideration of the defendant’s motion if you submit a
23 declaration showing that for a specific reason you cannot present such facts in your opposition. If you do not respond
24 to the motion, the court may consider your failure to act as a waiver of your opposition. See L.R. 230(l).

25 If the court grants the defendant’s motion, whether opposed or unopposed, judgment will be entered for that
26 defendant without a trial and the case will be closed as to that defendant.

27 ¹ If the motion for summary judgment concerns the exhaustion of administrative remedies, you must submit
28 proof of specific facts regarding the exhaustion of administrative remedies. See Stratton v. Buck, 697 F.3d 1004,
1008 (9th Cir. 2012); Albino v. Baca, 747 F.3d 1162 (9th Cir. April 3, 2014).