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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIARANDY SKAINS,
Plaintiff,

v.

MICHAEL SEPULVEDA, et al.,
Defendants.Case No. [12-cv-00087-WHO](#) (PR)**ORDER DENYING MOTION TO
DISMISS;****ORDER DENYING MOTION TO
HALT PROCEEDINGS;****ORDER SETTING BRIEFING
SCHEDULE**

Defendants' motion to dismiss on grounds that plaintiff Skains has failed to state a claim on which relief can be granted (Docket No. 41) is DENIED without prejudice. Liberally construed, Skains has stated claims for relief. Defendants may renew all arguments and defenses by way of a motion for summary judgment, which shall be filed on or before October 15, 2014. Forty-five days after defendants have filed such motion, Skains's opposition, if any, shall be filed. Defendants shall file a reply, if any, to the opposition 15 days after the opposition is filed. Because this new briefing schedule provides Skains with more time, his motion to temporarily halt proceedings (Docket No. 43) is DENIED as moot. The Clerk shall terminate Docket Nos. 41 and 43.

A recent decision from the Ninth Circuit requires that pro se prisoner-plaintiffs be given "notice of what is required of them in order to oppose" summary judgment motions

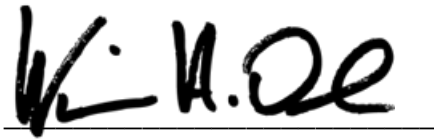
1 at the time of filing of the motions, rather than when the court orders service of process or
2 otherwise before the motions are filed. *Woods v. Carey*, 684 F.3d 934, 939–41 (9th Cir.
3 2012). Defendants shall provide the following notice to plaintiff Skains when they file and
4 serve any motion for summary judgment:

5 The defendants have made a motion for summary judgment by which they
6 seek to have your case dismissed. A motion for summary judgment under
7 Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your
8 case.

9 Rule 56 tells you what you must do in order to oppose a motion for
10 summary judgment. Generally, summary judgment must be granted when
11 there is no genuine issue of material fact — that is, if there is no real
12 dispute about any fact that would affect the result of your case, the party
13 who asked for summary judgment is entitled to judgment as a matter of
14 law, which will end your case. When a party you are suing makes a motion
15 for summary judgment that is properly supported by declarations (or other
16 sworn testimony), you cannot simply rely on what your complaint says.
17 Instead, you must set out specific facts in declarations, depositions, answers
18 to interrogatories, or authenticated documents, as provided in Rule 56(e),
19 that contradict the facts shown in the defendants’ declarations and
20 documents and show that there is a genuine issue of material fact for trial.
21 If you do not submit your own evidence in opposition, summary judgment,
22 if appropriate, may be entered against you. If summary judgment is
23 granted, your case will be dismissed and there will be no trial. *Rand v.*
24 *Rowland*, 154 F.3d 952, 962–63 (9th Cir. 1998).

25 **IT IS SO ORDERED.**

26 **Dated:** July 11, 2014

27 
28 WILLIAM H. ORRICK
United States District Judge