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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO LUA, P-48040,	)	
	)	
Plaintiff(s),	)	No. C 12-1793 CRB (PR)
	)	
v.	)	ORDER
	)	
NANCY ADAM, M.D.,	)	(Docket # 29 & 31)
	)	
Defendant(s).	)	

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On March 28, 2013, defendant filed a motion for summary judgment and served a copy on plaintiff, a pro se prisoner incarcerated at Pelican Bay State Prison (PBSP). The motion (docket # 29) is DENIED without prejudice because it is not accompanied by a Rand notice so that plaintiff will have fair, timely and adequate notice of what is required of him in order to oppose the motion. See Woods v. Carey, 684 F.3d 934, 935 (9th Cir. 2012) (notice requirement set out in Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998), must be served concurrently with motion for summary judgment). Within seven days of this order, defendant shall re-notice the motion for summary judgment and serve a copy of the re-notice and the requisite Rand notice on plaintiff.

The hearing noticed for May 10, 2013 is VACATED and plaintiff's motion for default judgment (docket # 31) is DENIED.

SO ORDERED.

DATED: April 15, 2013

  
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 CHARLES R. BREYER  
 United States District Judge