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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES L. STEVENSON,
Plaintiff,
v.
M. JONES,
Defendant.

Case No. [15-cv-05241-SI](#)
ORDER
Re: Dkt. No. 16

The order of service stated that, “[i]f defendant files a motion for summary judgment, defendant must provide to plaintiff a new *Rand* notice regarding summary judgment procedures at the time he files such a motion. *See Woods v. Carey*, 684 F.3d 934, 939 (9th Cir. 2012).” Docket No. 6 at 3. Defendant’s motion for summary judgment (Docket No. 16) was not accompanied by a *Rand* notice. The failure to comply with the *Rand* and *Woods* notice requirement continues to be a quick route to reversal if a motion for summary judgment is granted. *See, e.g., Nelson v. Peck*, Ninth Cir. No. 12-16805 (9th Cir. Nov. 23, 2016) (provision of *Rand* notice at outset of case but not concurrently with the motion for summary judgment was reversible error). To avoid the possibility of such a reversal, defendant’s motion for summary judgment (Docket No. 16) is DENIED for failure to provide the *Rand* notice. The denial of the motion for summary judgment is without prejudice to defendant filing a new motion for summary judgment that is accompanied by a *Rand* notice.

The court now sets the following briefing schedule for the new motion for summary judgment: Defendant must file and serve a new motion for summary judgment with a *Rand* notice no later than **December 23, 2016**. Plaintiff must file and serve his opposition to the new motion for summary judgment no later than **January 20, 2017**. If plaintiff does not file a new opposition,

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the court will consider his opposition filed on November 14, 2016 in ruling upon the new motion for summary judgment. Defendant must file and serve his reply (if any) no later than **February 3, 2017**.

IT IS SO ORDERED.

Dated: December 5, 2016



SUSAN ILLSTON
United States District Judge