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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 FRED FULFORD,
8 Plaintiff,
9 v.
10 DON M. GRIFFITH,
11 Defendant.

Case No. [16-cv-00770-MEJ](#)

**ORDER GRANTING MOTION TO
COMPLY WITH RAND
REQUIREMENT; ORDERING
DEFENDANT TO FILE AMENDED
SUMMARY JUDGMENT MOTION;
RESETTING BRIEFING SCHEDULE**

Re: Dkt. No. 31

United States District Court
Northern District of California

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14 Plaintiff, a California prisoner currently incarcerated at California Medical Facility, filed
15 this *pro se* civil rights action under 42 U.S.C. § 1983. On March 30, 2017, Defendant filed a
16 summary judgment motion. Dkt. No. 23. Plaintiff has filed a motion requesting that the Court
17 order Defendant to comply with the *Rand* notice requirement.¹ Dkt. No. 31. Defendant
18 acknowledges that he failed to serve a *Rand* notice concurrently with the summary judgment
19 motion, and states that the failure was an inadvertent error. Dkt. No. 32. Plaintiff's motion is
20 therefore GRANTED.

21 By May 22, 2017, Defendant shall file an amended summary judgment motion. Plaintiff's
22 opposition must be filed with the Court and served upon Defendant no later than 28 days from the
23 date the amended motion is filed. Defendant shall file a reply brief no later than 14 days after the
24 date the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is

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26 ¹ A motion for summary judgment must be accompanied by a *Rand* notice so that a plaintiff will
27 have fair, timely and adequate notice of what is required of him in order to oppose the motion.
28 *Woods v. Carey*, 684 F.3d 934, 939 (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).

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due. No hearing will be held on the motion.

This order terminates Docket No. 31.

IT IS SO ORDERED.

Dated: May 19, 2017



MARIA-ELENA JAMES
United States Magistrate Judge