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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LEONARD MICHAEL MARELLA,)	Civil No.03cv660 BEN (AJB)
)	
Plaintiff,)	ORDER:
v.)	
)	1) Setting Briefing Schedule for
C.A. TERHUNE, et al.,)	Supplemental Briefing; and
)	
Defendants.)	2) Providing Plaintiff Notice
_____)	Pursuant Klingele / Rand

The Court hereby ORDERS further briefing with regard to: 1) Plaintiff’s access to the 602 form and writing instrument during the relevant time period; and 2) whether Plaintiff was administered any psychiatric medications during the relevant time period. Defendants shall ***on or before January 25, 2011***, file and personally serve upon the Plaintiff: 1) supplemental briefing on these issues and 2) a copy of this Order. The Plaintiff shall file his opposition to Defendants’ supplemental brief ***on or before February 15, 2011***. Should the Defendants wish to file a reply to the Plaintiff’s opposition, they must do so ***on or before February 22, 2011***.


With regard to the requested supplemental briefing ordered by the Court, the Court provides the following notice to the Plaintiff pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) (en banc) and *Klingele v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988):

1 The Defendants have filed a Motion for Summary Judgment by which they seek to have your
2 case dismissed. A Motion for Summary Judgment under Rule 56 of the Federal Rules of Civil
3 Procedure will, if granted, end your case.

4 Rule 56 tells you what you must do in order to oppose a Motion for Summary Judgment.
5 Generally, summary judgment must be granted when there is no genuine issue of material fact--that is, if
6 there is no real dispute about any fact that would affect the result of your case, the party who asked for
7 summary judgment is entitled to judgment as a matter of law, which will end your case. When a party
8 you are suing makes a motion for summary judgment that is properly supported by declarations (or other
9 sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out
10 specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as
11 provided by Rule 56(e), that contradict the facts shown in the defendants' declarations and documents
12 and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence
13 in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is
14 granted, your case will be dismissed and there will be no trial.

15 IT IS SO ORDERED.

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17 DATED: January 7, 2011

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19 _____
20 Hon. Anthony J. Battaglia
21 U.S. Magistrate Judge
22 United States District Court
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