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3 UNITED STATES DISTRICT COURT  
4 SOUTHERN DISTRICT OF CALIFORNIA  
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6 TONY ROBERTS,

7 Plaintiff,

8 v.

9 S. HENSLEY, et al.,

10 Defendants.

Case No.: 15cv1871-LAB (BLM)

**KLINGELE NOTICE AND SCHEDULING  
ORDER RE DEFENDANTS' SUMMARY  
JUDGMENT MOTION**

11  
12 On July 27, 2017, Defendants filed a motion for summary judgment. ECF No. 61. The  
13 following notice is required pursuant to Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998) (*en*  
14 *banc*), cert. denied, 527 U.S. 1035 (1999) and Klingele v. Eikenberry, 849 F.2d 409 (9th Cir.  
15 1998), for all parties proceeding *pro se*.

16 **NOTICE**

17 Defendants in this case have moved the Court to enter judgment for the reasons stated  
18 in their summary judgment motion. ECF No. 61. The Court will consider the motion after giving  
19 you notice and opportunity to be heard. A motion for summary judgment under Rule 56 of the  
20 Federal Rules of Civil Procedure will, if granted, end your case.

21 Rule 56 of the Federal Rules of Civil Procedure tells you what you must do in order to  
22 oppose a motion for summary judgment. Generally, summary judgment must be granted when  
23 there is no genuine issue of material fact – that is, if there is no real dispute about any fact that  
24 would affect the result of your case – and where the party who asked for summary judgment is  
25 entitled to judgment as a matter of law. When a party you are suing seeks summary judgment  
26 and their position is properly supported by declarations (or other sworn testimony), you cannot  
27 simply reply by restating what your complaint says. Instead, you must set out specific facts in  
28

1 declarations, depositions, answers to interrogatories, or authenticated documents that  
2 contradict the facts shown in the Defendants' declarations and documents and show that there  
3 is a genuine issue of material fact requiring trial. If you do not submit your own evidence in  
4 opposition, summary judgment, if appropriate, may be entered against you. If summary  
5 judgment is granted, your case will be dismissed and there will be no trial.

6 **BRIEFING SCHEDULE**

7 The Court hereby **ORDERS** the parties to file briefs and supporting papers and evidence  
8 as follows:

9 1. Plaintiff may file and serve his opposition, including any evidence, to the matters  
10 raised by Defendants' summary judgment motion [ECF No. 61] by **September 11, 2017**. If  
11 you do not wish to oppose Defendants' motion, you should file and serve a "Notice of Non-  
12 Opposition" by that same date to let the Court know that Defendants' motion is unopposed.

13 2. If you do file and serve an opposition, Defendants must file and serve their reply  
14 to your opposition by **September 25, 2017**.

15 3. A hearing is set for **October 2, 2017** at **10:00 a.m.** in **Courtroom 3A**. Upon  
16 completion of the briefing, the Court will take the matter under submission pursuant to Civil  
17 Local Rule 7.1(d)(1) and no personal appearances on the October 2, 2017 hearing date should  
18 be made.

19 **IT IS SO ORDERED.**

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21 Dated: 7/27/2017

  
22 Hon. Barbara L. Major  
23 United States Magistrate Judge  
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