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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 SYLVESTER JAMES MAHONE,

9 Plaintiff,

10 v.

11 PIERCE COUNTY, PAUL PASTOR, TONY  
12 GENGA, GEORGE WASSON, TERRY  
13 REMBERT, JESSE BOYLE, SCOTT  
KASTEN, ILSOP LEE,

14 Defendants.

No. C14-5665 BHS-KLS

**ORDER PROVIDING RAND NOTICE  
AND RE-NOTING MOTION TO  
DISMISS AND/OR SUMMARY  
JUDGMENT**

15 On June 15, 2015, Defendants filed a “motion to dismiss under FRCP 12(c) and/or FRCP  
16 56.” Dkt. 53. Defendants move for judgment on the pleadings and/or for summary judgment.

17 *Id.* Attached to the motion are documents and evidence outside of the pleadings. *Id.*

18 The Ninth Circuit Court of Appeals requires pro se prisoner-plaintiffs to be given “notice  
19 of what is required of them in order to oppose” summary judgment motions *at the time of filing*  
20 of the motion. *Woods v. Carey*, 684 F.3d 934, 935, 940–41 (9th Cir. 2012) (emphasis added).

21 The notice requirement set forth in *Woods* applies to all pending and future cases. *Id.* at 941. At  
22 the time of filing his complaint, Plaintiff was a prisoner. He has since been released from  
23 custody. Defendant did not serve Plaintiff with notice consistent with *Woods* and in accordance  
24 with the holding of *Rand v. Rowland*, 154 F.3d 952, 962-63 (9<sup>th</sup> Cir. 1998). Out of an abundance  
25 of caution, the Court provides Plaintiff with the *Woods* notice as follows:  
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ORDER - 1

1           **Plaintiff is advised that** a motion for summary judgment under Rule 56 of the Federal  
2 Rules of Civil Procedure will, if granted, end your case.

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

18 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added).

19 Further, it is **ORDERED**:

20           (1) The Clerk of Court shall **re-note** Defendants’ motion to dismiss and/or for  
21 summary judgment (Dkt. 53) for **July 24, 2015**. Thus, Plaintiff’s response to the motion is due  
22 on **July 20, 2015** and Defendants’ reply is due on **July 24, 2015**.

23           (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for  
24 Defendants.

25           **DATED** this 1<sup>st</sup> day of July, 2015.

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Karen L. Strombom  
United States Magistrate Judge