

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Daniels v. Moreno

Daniels · No. 22-CV-1263-JO-KSC · Decided April 23, 2025

SUMMARY

The court provides a pro se prisoner with notice of the requirements for opposing Defendants’ motion for summary judgment under Federal Rule of Civil Procedure 56 and the Ninth Circuit’s Klingele/Rand requirements. The order sets May 9, 2025, as the deadline for Plaintiff’s opposition or notice of non-opposition and May 23, 2025, as the hearing date, with no appearance or oral argument required unless otherwise ordered.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Karen S. Crawford
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 23, 2025
DOCKET	22-CV-1263-JO-KSC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Lechuga and Moreno moved for summary judgment under Federal Rule of Civil Procedure 56. The court issued notice to the pro se prisoner plaintiff explaining the requirements for opposing the motion and calendared the motion for hearing.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56, summary judgment must be granted when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. A properly supported motion cannot be opposed merely by relying on the allegations of the complaint; the nonmoving party must identify specific supporting evidence showing a genuine issue for trial.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charles A. Daniels v. A. Moreno, Lechuga

TOPICS

summary judgment

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. What notice must be provided to a pro se prisoner opposing a motion for summary judgment?
2. What evidentiary showing must a nonmoving prisoner make to oppose a properly supported Rule 56 motion?

KEY QUOTATIONS

“Generally, summary judgment must be granted when there is no genuine dispute as to any material fact, that is to say, if there is no real dispute about any fact that would affect the result of your case.” (1-2)

“If no genuine dispute as to any material fact exists, the party who asked for summary judgment is entitled to judgment in its favor as a matter of law.” (2)

“When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely what your complaint says.” (2)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying civil-rights claims. Defendants Lechuga and Moreno filed a motion for summary judgment, and Plaintiff is proceeding pro se and as a prisoner. The court issued the notice to ensure that Plaintiff received fair notice of the requirements for opposing summary judgment.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment, identified as Doc. No. 66. Before resolving that motion, the court issued this notice advising Plaintiff of the need to submit evidence creating a genuine dispute of material fact and setting deadlines for opposition and reply papers. The motion was calendared for May 23, 2025, with no oral argument expected unless otherwise ordered.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998) (en banc)
- Klinge v. Eikenberry, 849 F.2d 409 (9th Cir. 1988)

OPINION

(PC) Daniels v. Moreno

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 CHARLES A. DANIELS, Case No.: 22-CV-1263-JO-KSC

12 Plaintiff,

ORDER PROVIDING NOTICE

13 vs. TO PRO SE PRISONER OF

REQUIREMENTS FOR OPPOSING

14 A. MORENO, et al.,

SUMMARY JUDGMENT

15 PURSUANT TO

Defendants. KLINGELE / RAND 16 17 18 This notice is required to be given to Plaintiff pursuant to Rand v. Rowland, 154 19 F.3d 952 (9th Cir. 1998) (en banc) and Klingele v. Eikenberry, 849 F.2d 409 (9th Cir. 20 1988):1 21 Defendants Lechuga and Moreno filed a Motion for Summary Judgment under 22 Federal Rule of Civil Procedure 56. Doc. No. 66. Defendants' Motion for Summary 23 Judgment will, if granted, end your case. Rule 56 tells you what you must do to oppose a 24 Motion for Summary Judgment. Generally, summary judgment must be granted when there 25 26 27 1 Klingele and Rand together require the district court "as a bare minimum," to ensure that a pro se prisoner has "fair notice of the requirements of the summary judgment rule." 28 | no genuine dispute as to any material fact, that is to say, if there is no real dispute about 2 || any fact that would affect the result of your case. If no genuine dispute as to any material 3 || fact exists, the party who asked for summary judgment is entitled to judgment in its favor 4 ||as a matter of law. When a party you are suing makes a motion for summary judgment that 5 ||is properly supported by declarations (or other sworn testimony), you cannot simply rely 6 what your complaint says. Instead, you must set out specific facts in declarations, 7 || depositions, answers to interrogatories, or authenticated documents, as provided by Rule 8 ||56(e), that contradict the facts shown in the defendants' declarations and documents and 9 show that there is a genuine issue of material fact for trial. If you do not submit your own 10 evidence in opposition, summary judgment, if appropriate, may be entered against you. If 11 ||summary judgment is granted, your case will be dismissed and there will be no trial. 12 Accordingly, IT IS ORDERED that Defendants' Motion for Summary Judgment 13 ||has been calendared for hearing on May 23, 2025. Your Opposition (including any 14 || supporting documents) must be filed with the Court and served on all parties by May 9, 15 2025. If you do not wish to oppose Defendants' Motion, you should file and serve a "Notice 16 Non-Opposition" by that same date to let both the Court and Defendants know that the 17 || Motion is unopposed. If you do file and serve an Opposition,

Defendants must file and 18 serve their Reply to that Opposition by May 16, 2025. 19 At the time appointed for hearing, the Court will, in its discretion, consider 20 || Defendants' Motion for Summary Judgment as submitted on the papers, and will issue its 21 written order soon thereafter. See Civ. L.R. 7.1. Thus, unless otherwise ordered, no 22 || appearances are required on May 23, 2025, and no oral argument will be heard. 23 IT IS SO ORDERED. 24 ||Dated: April 23, 2025 YX) 25 Mfficae —_ %6 Hori. Karen S. Crawford United States Magistrate Judge 27 28