

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Daniels v. Moreno

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

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