

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Roberto Johnson v. Kern County Jail, et al.

Johnson v. Kern County Jail · No. 1:22-cv-01046-KES-SKO (PC) · Decided June 30, 2025

SUMMARY

The United States District Court for the Eastern District of California issues a second informational order to pro se plaintiff Roberto Johnson regarding requirements for opposing Defendant Frye’s motion for summary judgment. The order provides notice under Rand, Woods, and Klingele, explains applicable Federal and Local Rules, and grants Plaintiff 21 days from service to file an opposition or statement of non-opposition.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
DECIDED	June 30, 2025
DOCKET	1:22-cv-01046-KES-SKO (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis under 42 U.S.C. § 1983, brought an Eighth Amendment failure-to-protect claim against Defendant Frye. After Defendant filed a motion for summary judgment, the court issued a second informational order and warning concerning the requirements for opposing that motion and extended Plaintiff's response deadline.
STANDARD OF REVIEW	The order explains the Federal Rule of Civil Procedure 56 standard: summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- summary judgment
- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- summary judgment

QUESTIONS PRESENTED

1. What notice and evidentiary requirements must a pro se prisoner follow in opposing Defendant's summary judgment motion?
2. Whether Plaintiff should receive an extension of the deadline to oppose Defendant's summary judgment motion because the separate Rand warning was not included with the filing.

HOLDINGS

1. A pro se prisoner opposing summary judgment must file an opposition or statement of non-opposition, comply with Federal Rule of Civil Procedure 56 and the applicable local rules, identify disputed facts, and support factual disputes with admissible or properly authenticated evidence.
2. Plaintiff was granted twenty-one days from service of the order to file an opposition or statement of non-opposition to Defendant's summary judgment motion.

KEY QUOTATIONS

“Generally, summary judgment must be granted when there is no genuine issue of material fact—that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case.” (at 3)

“Within twenty-one (21) days from the date of service of this order, Plaintiff SHALL file an opposition to Defendant’s motion for summary judgment, in compliance with Federal Rule of Civil Procedure 56 and Local Rule 260.” (at 8)

FACTUAL BACKGROUND

Roberto Johnson is a former county jail inmate and current state prisoner proceeding pro se and in forma pauperis. He asserts an Eighth Amendment failure-to-protect claim against Defendant Frye under 42 U.S.C. § 1983. Frye moved for summary judgment on the merits after discovery closed, and the court determined that an additional warning was appropriate because the separate Rand notice referenced by Frye was not included with the motion.

PROCEDURAL HISTORY

Discovery closed on April 25, 2025. Defendant Frye timely filed a summary judgment motion on June 26, 2025, but the separate Rand warning referenced in the filing was not included. The court therefore issued this order to provide the required notice and granted Plaintiff twenty-one days from service of the order to file an opposition or statement of non-opposition.

DISPOSITION

other

CASES CITED

- Woods v. Carey, 684 F.3d 934 (9th Cir. 2012)

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

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