

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRIAN KEITH FORD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:12cv1094-MHT
)	(WO)
CITY OF GOODWATER, JONATHAN)	
PITTS, and GERALD WHETSTONE,)	
)	
Defendants.)	

OPINION AND ORDER

Defendant Jonathan Pitts has filed a motion to strike several affidavits which plaintiff Brian Keith Ford offered in response to Pitts's motion for summary judgment.

Federal Rule of Civil Procedure 12(f) applies only to pleadings: "The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Defendant's motion to "strike" evidence in a response to a motion for summary judgement is not a request to strike material from a

pleading. Norman v. Southern Guar. Ins. Co., 191 F. Supp. 2d 1321, 1327-28 (M.D. Ala. 2002) (Thompson, J). Nevertheless, in resolving Pitts's summary-judgment motion, the court will implicitly consider the motion to strike as, instead, an objection to the evidence offered by Ford. See Fed. R. Civ. P. 56(c)(2) ("A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence."). The court is capable of sifting through the evidence, as required by the summary-judgment process, without resort to an exclusionary process.

Accordingly, it is ORDERED that defendant Jonathan Pitts's motion to strike (Doc. No. 29) is denied.

DONE, this the 21st day of November.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE