

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

SHERRY ANNE BAILEY-POTTS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	3:11cv495-MHT
)	(WO)
ALABAMA DEPARTMENT OF)	
PUBLIC SAFETY,)	
)	
Defendant.)	

ORDER

Defendant Alabama Department of Public Safety ("DPS") has filed a motion to strike portions of the filing of plaintiff Sherry Anne Bailey-Potts ("Bailey-Potts") in response to DPS'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." DPS's motion to "strike" facts in a response to a motion for summary judgement is not a request to strike material from a pleading. Mann v. Darden, 2009 WL 2019588 (M.D. Ala. July

6, 2009). Nevertheless, in resolving DPS's summary-judgment motion, the court has implicitly considered the motion to strike as, instead, an objection to the evidence offered by Bailey-Potts. The court is capable of sifting through the evidence, as required by the summary-judgment process, without resort to a motion process.

Accordingly, it is ORDERED that defendant Alabama Department of Public Safety's motion to strike (Doc. No. 24) is denied.

DONE, this the 21st day of February, 2012.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE