IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KALIM A.R. MUHAMMAD, etc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION 11-0690-WS-B**
	)	
BRENDA BETHEL-MUHAMMAD, et al.,	)	
	)	
Defendants.	)	

ORDER

After his motion to dismiss was denied, (Doc. 107 at 21), defendant Paul Vaughan Russell filed an answer to the amended complaint. (Doc. 114). That pleading sets forth eight defenses, the second of which is a response to the various paragraphs of the amended complaint, with the other defenses being either affirmative defenses or other defensive material. The answer asserts no counterclaim or other claim for relief against the plaintiff.

The plaintiff has now filed a "notice to the Court regarding Paul Russell Vaughn's brief in response to Court's order to reply by June 11, 2012." (Doc. 121). The "brief" to which the plaintiff refers is Russell's answer. The plaintiff's filing is thus a reply to Russell's answer.

"Absent a counterclaim denominated as such, a reply to an answer ordinarily is unnecessary and improper in federal practice." 5 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 1185 at 27 (3rd ed. 2004) ("Wright & Miller"). A reply to an answer not containing a counterclaim may be filed only "if the court orders one." Fed. R. Civ. P. 7(a)(7). Because the Court has not ordered the plaintiff to file a reply to Russell's answer, the plaintiff's reply is improper.

Nor would the Court permit a reply to Russell's answer were one requested. "A substantial reason must be given or necessity must be demonstrated by the movant to

justify the court ordering a reply to an answer." Wright & Miller, § 1185 at 31. "This standard has proven difficult to satisfy …." *Id*. Efforts by the plaintiff, rather than the defendant, to justify a reply to an answer are especially suspect, because "the reply in the former context is much more likely to be self-serving and not based on any legitimate need than in the latter context." *Id*. at 34. The plaintiff's reply falls squarely within this description.

For the reasons set forth above, the plaintiff's reply to Russell's answer, styled as a notice to the Court, is **stricken**.

DONE and ORDERED this 19th day of June, 2012.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE