

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9 United States of America,

10 Petitioner,

11 vs.

12 David H. Griggs,

13 Respondent.

14

15 David H. Griggs,

16 Petitioner,

17 vs.

18 United States of America; Internal
19 Revenue Service; and Jennifer Pardue,
Revenue Officer, IRS,

20 Respondents.

21

22

23 Pending before the Court is Respondent Griggs’s motion for leave to file a reply in
24 support of his objection to Magistrate Judge Mark Aspey’s Report and Recommendation
25 (“R&R”) of October 7, 2009. Dkt. #79. The Court has already filed an order regarding the
26 R&R and Griggs’s objection. Dkt. #81.

27 Griggs filed the pending motion and lodged a proposed reply on November 24, 2009.
28 Dkt. #79. Griggs admits that he filed his proposed reply after the deadline had passed, but

) No. CV-08-1016-PHX-DGC
) (Lead Case)

) No. MC-08-0103-PHX-DGC
) (Consolidated Case)

ORDER

1 asserts that his delay should be excused because he is a *pro se* litigant. *Id.* at 1. Griggs does
2 not say why he did not file a motion for extension of time before the deadline passed.

3 Griggs is a *pro se* litigant, but he still must follow the rules of procedure. *See King*
4 *v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1986) (“Pro se litigants must follow the same rules of
5 procedure that govern other litigants.”); *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir.
6 1986) (“*pro se* litigants in the ordinary civil case should not be treated more favorably than
7 parties with attorneys of record”); *Carter v. Comm’r of Internal Revenue*, 784 F.2d 1006,
8 1008 (9th Cir. 1986) (“Although pro se, [plaintiff] is expected to abide by the rules of the
9 court in which he litigates.”).¹ Griggs is *pro se* by choice. The Court provided Griggs with
10 the opportunity to receive appointed counsel if he complied with certain conditions, and he
11 chose not to comply. Dkt. #40.

12 Given that Griggs has shown no good cause for his delay in filing, the Court will deny
13 his motion for leave to file a reply.² The Court’s order of November 25, 2009 adopting the
14 R&R and requiring Griggs to comply with the Order Enforcing Summons (Dkt. #10) by
15 January 15, 2010 remains in force.

16 **IT IS ORDERED** that Griggs’s motion for leave to file a reply (Dkt. #24) is **denied**.

17 Dated this 30th day of November, 2009.

18
19
20 

21 _____
22 David G. Campbell
23 United States District Judge
24

25 _____
26 ¹ Griggs is correct that the complaints of *pro se* litigants are “held to a less stringent
27 standard than formal pleadings drafted by lawyers.” *Cruz v. Cardwell*, 486 F.2d 550, 552
28 (8th Cir. 1973); *see Haines v. Kerner*, 404 U.S. 519 (1972). This case law does not apply to
Griggs’s reply memorandum, where no pleadings are at issue.

² Even if it had considered Griggs’s untimely reply, the Court still would have
accepted the R&R and ordered Griggs to comply with the Order Enforcing Summons.