

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ALISA NELSON

PLAINTIFF

vs.

Case No. 4:16-cv-04009

CITY OF HOPE, *et al*

DEFENDANTS

ORDER

BEFORE the Court is Defendants' Motion to Strike Plaintiff's Response to Defendants' Answer. ECF No. 14. Plaintiff filed an overdue Response on May 5, 2016. ECF No. 16. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), United States District Judge Susan O. Hickey referred this Motion to the undersigned for decision.

Plaintiff filed her *pro se* Complaint on January 13, 2016. ECF No. 1. Defendants filed an Answer on March 3, 2016. ECF No. 11. On March 15, 2016, Plaintiff filed what she styled as a "Motion to Clarify and Respond" which was docketed as a Response by Plaintiff to Defendants' Answer to Complaint. ECF No. 12. By this Motion, Defendants seek to have this pleading struck from the record as an improper pleading because a response to an Answer is not permitted under the facts and circumstances of this case. ECF No. 14.

Rule 7(a) of the Federal Rules of Civil Procedure provides that "[o]nly these pleadings are allowed: (1) a complaint; (2) an answer to a complaint; . . . and (7) if the court orders one, a reply to an answer." Fed. R. Civ. P. 7(a)(7). Generally, a court will order a reply to a Defendant's answer only when the answer raises a new matter, or, for example, contains a counterclaim. *See* 5 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1185 (3d ed. 2004).

In their Answer, Defendants have not asserted a counter-claim or raised any new matters.

Furthermore, the Court has not ordered a reply to the Answer in this case. Therefore Plaintiff's Response to Defendants' Answer (ECF No. 12) is not permitted and should be struck.

Accordingly, the Defendants' Motion to Strike Plaintiff's Response to Defendants' Answer (ECF No. 14) is **GRANTED**, and the Clerk is directed to strike Plaintiff's Response to Defendants' Answer (ECF No. 12) from the record.

IT IS SO ORDERED this **10th day of May 2016**.

s/ Barry A. Bryant _____
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE