

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES--GENERAL

Case No. **SACV17-00762-SVW (KK)**

Date: **December 08, 2017**

Title **Ivin Mood v. County of Orange, et al.**

DOCKET ENTRY

PRESENT: **HON. KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

Deb Taylor
Deputy Clerk

None
Court Reporter/Recorder

ATTORNEYS PRESENT FOR PLAINTIFF(S):

None

ATTORNEYS PRESENT FOR DEFENDANT(S):

None

PROCEEDINGS: (IN CHAMBERS)

The Court is in receipt of Defendant's Motion to Strike Portions of Plaintiff's Third Amended Complaint ("Motion to Strike") with a hearing set for January 11, 2018. ECF Docket No. ("Dkt.") 28. On December 7, 2017, Defendant also filed an Answer to Plaintiff's Third Amended Complaint. Dkt. 29. Under Federal Rule of Civil Procedure 12(f), a party may move to strike "from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter" *before responding to the pleading*. Fed. R. Civ. P. 12(f). Therefore, the Motion to Strike is untimely and must be DENIED as MOOT. See Culinary & Serv. Emps. Union v. Hawaii Emp. Benefit Admin., 688 F.2d 1228, 1232 (9th Cir. 1982) (district court committed error by striking counts from amended complaint on party's motion to strike where defendants "had already filed their answer to the complaint"); see also Brooks v. Caswell, No. 3:14-CV-01232-AC, 2015 WL 5178080, at *4 (D. Or. Sept. 3, 2015) (denying motion to strike as untimely Because a "party must file a Rule 12(f) motion before responding to a pleading").

dts

Initials of Deputy Clerk