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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
9

10 PATRICK RICHARDSON,

1:99-cv-06575-OWW-GSA-PC

11 Plaintiff,

ORDER STRIKING SURREPLY

12 vs.

(Doc. 158.)

13 H. L. BRYANT, et al.,

14
15 Defendants.
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17 _____/

18 Plaintiff, Patrick Richardson ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original complaint
20 on November 1, 1999. (Doc. 1.) This action now proceeds on the Second Amended Complaint filed
21 on July 3, 2007, against defendant Captain D. Ortiz ("Defendant") for denial of access to the courts.¹
22 (Doc. 85.)

23 On January 28, 2010, Defendant filed a motion for summary judgment. (Docs. 144-150.)
24 Plaintiff filed an opposition on May 3, 2010, and defendant filed a reply on May 13, 2010. (Docs. 152,
25 153.) On July 1, 2010, plaintiff filed a surreply entitled "Plaintiff's Request for Direct Judgement in the
26 Form of Denial of Defendant's Motion for Summary Judgment." (Doc. 158.)
27 _____

28 ¹All other claims and defendants have been dismissed from this action.

1 The Local Rules provide for a motion, an opposition, and a reply. Neither the Local Rules nor
2 the Federal Rules provide the right to file a surreply, and the court neither requested one nor granted a
3 request on the behalf of Plaintiff to file one. Accordingly, Plaintiff's surreply, filed July 1, 2010, shall
4 be stricken from the record.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's surreply, filed July 1, 2010, is
6 STRICKEN from the court's record.

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8 IT IS SO ORDERED.

9 Dated: July 12, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE