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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ELONZA JESSE TYLER,

CASE NO. 1:-04-cv-06638-LJO-BAM PC

Plaintiff,

ORDER STRIKING PLAINTIFF’S MOTION
OF OBJECTION

v.

ALAMEIDA, et al.,

(ECF No. 172)

Defendants.

Plaintiff Elonza Jesse Tyler is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following remand by the Ninth Circuit of Appeal, this action is proceeding against Defendant Smith for deliberate indifference in violation of the Eighth Amendment. On January 19, 2012, Defendant Smith filed an answer. Plaintiff filed a motion of objection to the answer on February 6, 2012.

The Federal Rules of Civil Procedure provide, in relevant part, that there shall be a complaint, an answer, and a reply to an answer “if the court orders one.” Fed. R. Civ. P. 7(a). The Court has not ordered a reply to the answer and declines to make such an order. Therefore, Plaintiff’s motion of objection shall be stricken from the record.

Accordingly, Plaintiff’s motion, filed February 6, 2012, is HEREBY STRICKEN from the record.

IT IS SO ORDERED.

Dated: February 8, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE