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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HAROLD WALKER,

1:05-cv-00709-GSA-PC

Plaintiff,

ORDER STRIKING SURREPLY  
(Doc. 81.)

v.

HUTCHINSON, et al.,

Defendants.

\_\_\_\_\_/

Plaintiff Harold Walker (“Plaintiff”) is a former state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on June 2, 2005. (Doc. 1.) This action now proceeds on the amended complaint filed by Plaintiff on February 28, 2007, against defendants Hutchinson, Miranda, Hagea, Salgado, Sanoval, and Welch.<sup>1</sup> (Doc. 28.)

**Plaintiff’s Surreply**

On March 16, 2009, defendants Miranda, Sanoval and Welch filed a motion to dismiss, which is now pending. (Doc. 58.) On April 7, 2009, Plaintiff filed an opposition to the motion. (Doc. 64.) On April 9, 2009, Defendants filed a reply to Plaintiff’s opposition. (Doc. 65.) On October 28, 2009, Plaintiff filed a surreply. (Doc. 81.)

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<sup>1</sup>The Court dismissed all other defendants on November 12, 2008. (Doc. 44.)

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

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's surreply, filed October  
6 28, 2009, is STRICKEN from the record.

7  
8 IT IS SO ORDERED.

9 **Dated: December 8, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE