UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PABLO HOLGUIN, Plaintiff, v. R. WICKS, Defendant.	Case No. 1:06-cv-00346-DAD-BAM (PC) ORDER STRIKING PLAINTIFF'S RESPONSE TO DEFENDANT'S ANSWER (ECF No.42)

Plaintiff Pablo Holguin ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint against Defendant Wicks for violation of Due Process for denial of Plaintiff's right to call an identified witness in his defense. (ECF No. 29.)

On August 8, 2017, Defendant Wicks answered Plaintiff's complaint. (ECF No. 36.) On September 21, 2017, Plaintiff filed a response to Defendant's answer. (ECF No. 42.)

In relevant part, the Federal Rules of Civil Procedure provide that there shall be a complaint, an answer to a complaint, and, if the court orders one, a reply to an answer. Fed. R. Civ. P. 7(a). The Court has not ordered a reply to Defendant's answer and declines to make such an order.

Accordingly, Plaintiff's response to Defendant's answer, filed on September 21, 2017, (ECF No. 42), is HEREBY STRICKEN from the record.

IT IS SO ORDERED.

Dated: **September 25, 2017**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE