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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES L. DAVIS,

Plaintiff,

v.

RAMEN, et al.,

Defendants.

CASE NO. 1:06-cv-01216-AWI-SMS PC

ORDER GRANTING DEFENDANTS’ MOTION TO STRIKE PLAINTIFF’S SURREPLY AND STRIKING SURREPLY

(ECF Nos. 105, 107)

ORDER DENYING PLAINTIFF’S MOTION TO STRIKE DEFENDANTS’ MOTION TO STRIKE AND MOTION TO FILE A SURREPLY

_____/ (ECF No. 109, 110.)

Plaintiff James L. Davis (“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 is proceeding on the third amended complaint, filed August 21, 2008, against Defendants Raman, Rangel, Solis, and Johnson for deliberate indifference to serious medical needs in violation of the Eighth Amendment rights. Defendants filed a motion for summary judgment on January 7, 2011, and an exhibit for their statement of undisputed facts on January 11, 2011. (ECF Nos. 95, 97.) Plaintiff filed an opposition on February 4, 2011. (ECF No. 99.) Defendants filed a reply and objections on February 24, 2011. (ECF Nos. 102, 103.) Plaintiff filed a surreply on March 10, 2011. (ECF No. 105.) Defendants filed a motion to strike Plaintiff’s surreply on March 18, 2011, and Plaintiff filed a motion to strike Defendants’ reply on March 31, 2011. (ECF Nos. 107, 109.) Plaintiff filed a motion to file a surreply on April 18, 2011. (ECF No. 110.)

The Local Rules provide for a motion, an opposition, and a reply. Neither the Local Rules

1 nor the Federal Rules provide the right to file a surreply, and the Court neither requested one nor
2 granted a request on the behalf of Plaintiff to file one. Defendant's motion was deemed submitted
3 upon the filing of the reply. Local Rule 230(m). Once a motion is deemed submitted, no further
4 filings shall be entertained, absent permission from the court. The Court has reviewed Plaintiff's
5 arguments in his motion to file a surreply and finds that a surreply is not necessary.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. Defendant's motion to strike Plaintiff's surreply, filed March 18, 2011, is
8 GRANTED;
- 9 2. Plaintiff's surreply, filed March 10, 2011, is STRICKEN from the record;
- 10 3. Plaintiff's motion to strike Defendants' motion to strike, filed March 31, 2011, is
11 DENIED; and
- 12 4. Plaintiff's motion to file a surreply, filed April 18, 2011, is DENIED.

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15 IT IS SO ORDERED.

16 **Dated: June 6, 2011**

17 /s/ Sandra M. Snyder
18 UNITED STATES MAGISTRATE JUDGE
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