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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 STRIKING PLAINTIFF’S SURREPLY

(ECF No. 121)

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. Findings and recommendations issued on June 9, 2011, recommending granting Defendants’ motion for summary judgment. On July 11, 2011, Plaintiff filed objections to the findings and recommendations, and Defendants filed a reply on July 22, 2011. On August 15, 2011, Plaintiff filed a surreply.

The Local Rules provide for a motion, an opposition, and a reply. Neither the Local Rules nor the Federal Rules provide the right to file a surreply, and the Court neither requested one nor granted a request on the behalf of Plaintiff to file one. Accordingly, Plaintiff’s surreply, filed August 15, 2011, shall be stricken from the record.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s surreply, filed August 15, 2011, is STRICKEN from the Court’s record.

IT IS SO ORDERED.

Dated: August 16, 2011

/s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE

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