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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 JOSEPH R. PULLIAM,

CASE NO. 1:07-cv-964-LJO-MJS (PC)

10 Plaintiff,

ORDER DENYING PLAINTIFF'S REQUEST
FOR LEAVE TO FILE REPLY PLEADING

11 v.

(ECF No. 36)

12 R. LOZANO, et al.,

13 Defendants.
14 _____ /

15 Plaintiff Joseph R. Pulliam ("Plaintiff") is a state prisoner proceeding pro se and in
16 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court
17 is Plaintiff's Request for Leave of Court to File Reply Brief. (ECF No. 36.)

18 In his Request, Plaintiff states that he recently obtained a California State Prisoner's
19 Handbook from which he learned that once Defendants filed an answer, Plaintiff had
20 twenty days to file a reply. Plaintiff notes that Defendants filed their Answer to his
21 Complaint on April 27, 2010, but Plaintiff never filed a reply because he was unaware of
22 the need to do so. He asks the Court for leave to file a reply now to ensure he properly
23 prosecutes his case.

24 The Court appreciates Plaintiff's desire to diligently prosecute his case. However,
25 the rule cited by Plaintiff, Federal Rule of Civil Procedure 12(a), applies only if the Court
26 orders a party to file a reply to an answer. In this case, the Court did not order Plaintiff to
27 file a reply. The Court does not here desire such a reply. In fact, had Plaintiff filed a reply
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1 to Defendants' April 27, 2010 Answer, the Court would have ordered it stricken from the
2 record. Fed. R. Civ. P. 7(a). At this point in the litigation, with discovery underway for over
3 six months, a reply pleading would not in any event be helpful.

4 Accordingly, Plaintiff's Motion for leave to file a reply pleading is DENIED.

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6 IT IS SO ORDERED.

7 Dated: November 8, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE