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

LON CARTER,	)	Case No.: 1:07-cv-01325-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION FOR
	)	AUTHORIZATION TO FILE REPLY
v.	)	(ECF No. 175)
	)	
NICK DAWSON, et al.,	)	ORDER DENYING PLAINTIFF’S MOTION FOR
	)	EXTENSION OF TIME TO FILE REPLY
Defendants.	)	(ECF No. 176)
	)	
	)	

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Plaintiff Lon Carter 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 against Defendants Dawson and Mendoza-Powers for unconstitutional conditions of confinement in violation of the Eighth Amendment.

On September 15, 2011, Defendants filed a Motion for Summary Judgment. (ECF No. 119.) Plaintiff opposed the motion on September 17, 2013. (ECF Nos. 146-150.) On October 29, 2013, Defendants filed a reply, along with objections and a motion to strike Plaintiff’s evidence. (ECF Nos. 159, 160.)

On November 20, 2013, the Court denied Plaintiff leave to file a response to Defendants’ reply, but granted Plaintiff leave to file a response to Defendants’ motion to strike filed on October 29,

1 2013. The Court informed Plaintiff that neither this Court’s Local Rules nor the Federal Rules provide  
2 the right to file a response or surreply to Defendants’ reply. (ECF No. 166.)

3 On November 25, 2013, Plaintiff filed his opposition to Defendants’ Objections and Motion to  
4 Strike. (ECF No. 169.) Plaintiff also filed a Motion to Strike Defendants’ Submitted Weather  
5 Reports. (ECF No. 168.) Following an extension of time, on December 20, 2013, Defendants filed a  
6 reply to Plaintiff’s opposition, along with a response to Plaintiff’s motion to strike the weather reports.  
7 (ECF No. 173.)

8 On January 6, 2014, Plaintiff filed the instant motions requesting (1) authorization to file a  
9 reply to Defendants’ December 20, 2013 reply and (2) an extension of time to file the reply. (ECF  
10 Nos. 175, 176.) Plaintiff’s motions shall be denied.

11 As the Court previously explained, the Local Rules provide for a motion, an opposition, and a  
12 reply. Local Rule 230(l). Neither the Local Rules nor the Federal Rules of Civil Procedure provide  
13 the right to file a surreply and the Court has not requested a surreply in this matter.

14 Additionally, Plaintiff provides no basis for the authorization of a surreply. Plaintiff states  
15 only that “Defendants 12-20-13 reply bears on the October 29, 2013 reply, as plaintiff has filed strike  
16 motions per the October 29, 2013, which defendants now also address . . . .” (ECF No. 175, p. 2.)  
17 That one reply “bears on” another reply in the same action is not sufficient. There is no indication that  
18 the Court requires additional briefing in an already lengthy case for the purpose of resolving  
19 evidentiary issues. In the event the Court requires additional briefing, it will direct the parties to  
20 provide a response. The Court has not done so in this matter.

21 Plaintiff suggests that an additional reply is necessary because Defendants included a response  
22 to his motion to strike their weather reports. Upon review of the briefing, the Court is not persuaded  
23 that any reply is necessary. In his moving papers, Plaintiff seeks to strike Defendants’ weather reports  
24 reportedly submitted in support of their motion for summary judgment. (ECF No. 168, p. 1.)  
25 However, Defendants have responded that Plaintiff’s motion is really an argument in opposition to  
26 Defendants’ objections and that they did not file any weather reports in support of their motion for  
27 summary judgment, in support of their reply, or in their objections to Plaintiff’s evidence. (ECF No.  
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1 173, p. 4.) The Court does not require any further reply to determine whether or not Defendants have  
2 submitted weather reports in support of their motion for summary judgment.

3 Accordingly, Plaintiff's motion for authorization to file a reply to Defendants' December 20,  
4 2013 reply is DENIED. Plaintiff's related motion seeking an extension of time to file such a reply  
5 also is DENIED.

6 IT IS SO ORDERED.

7 Dated: August 21, 2014

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE