

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JAWWAAD HASAN, 1:08-cv-00381-GSA-PC  
Plaintiff,  
v. ORDER STRIKING PLAINTIFF’S  
SURREPLIES  
C/O JOHNSON, (Docs. 81, 82, 83.)  
Defendant.

**I. BACKGROUND**

Jawwaad Hasan (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action on March 27, 2008. (Doc. 1.) This action now proceeds on the original Complaint filed on March 17, 2008, against defendant Correctional Officer Johnson (“Defendant”), on Plaintiff’s claim for excessive force in violation of the Eighth Amendment.<sup>1</sup> (Doc. 19.)

On May 5, 2012, Defendant filed a motion for summary judgment. (Docs. 52, 54.) On June 20, 2012, Plaintiff filed an opposition to the motion. (Doc. 57.) On July 5, 2012, Defendant a reply to the opposition. (Doc. 60, 61.)

///

---

<sup>1</sup>On August 20, 2010, the Court dismissed the Doe Defendants and Plaintiff’s supervisory liability claims from this action, based on Plaintiff’s failure to state a claim. (Doc. 19.) On February 13, 2012, the Court dismissed Plaintiff’s state law claims via Defendants’ motion to dismiss. (Doc. 43.)

1 On August 10, 2012, Plaintiff filed a supplemental opposition to the motion for summary  
2 judgment. (Docs. 70, 71, 72.) On October 1, 2012, Defendant filed a response to the supplemental  
3 opposition. (Docs. 77, 78.)

4 On October 11, 2012, Plaintiff filed three documents: (1) Sur-Reply Objections to  
5 Defendant's Medical Evidence, (2) Declaration of Plaintiff in Support of Objection to Medical  
6 Evidence, and (3) Sur-Reply to Defendant's Reply to Plaintiff's Supplemental Objections to  
7 Defendant's Evidence. (Docs. 80, 81, 82.)

8 **II. SURREPLY**

9 The Local Rules provide for a motion, an opposition, and a reply. Neither the Local Rules  
10 nor the Federal Rules provide the right to file a surreply, and the Court neither requested one nor  
11 granted a request on the behalf of Plaintiff to file one. Accordingly, Plaintiff's surreplies, filed on  
12 October 11, 2012, shall be stricken from the record.

13 **III. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's surreplies, filed on October 11, 2012, are STRICKEN from the Court's  
16 record;
- 17 2. Defendant's motion for summary judgment, filed on May 5, 2012, is deemed  
18 submitted under Local Rule 230(1); and
- 19 3. No further submissions by either party in support of or opposition to Defendant's  
20 motion for summary judgment shall be permitted.

21  
22 IT IS SO ORDERED.

23 **Dated: October 19, 2012**

/s/ Gary S. Austin  
24 UNITED STATES MAGISTRATE JUDGE