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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LOUIS BRANCH,

12 Plaintiff,

13 vs.

14 N. GRANNIS, et al.,

15 Defendants.
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1:08-cv-01655-AWI-GSA-PC

ORDER STRIKING SURREPLY
(Doc. 147.)

17 **I. BACKGROUND**

18 Louis Branch ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
19 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
20 commencing this action on July 7, 2008. (Doc. 1.) This action now proceeds on the Third
21 Amended Complaint, filed by Plaintiff on July 10, 2013, against defendants Umphenour,
22 Szalai, and Alvarez ("Defendants") for deliberate indifference to a serious risk to Plaintiff's
23 safety in violation of the Eighth Amendment, and against defendant Umphenour for retaliation
24 in violation of the First Amendment. (Doc. 94.)

25 On September 2, 2014, Defendants filed a motion for summary judgment. (Doc. 138.)
26 Plaintiff filed an opposition to the motion on September 29, 2014. (Doc. 142.) On October 6,
27 2014, Defendants filed a reply to Plaintiff's opposition. (Doc. 145.) On October 27, 2014,
28 Plaintiff filed an objection to Defendants' reply. (Doc. 147.)

1 **II. SURREPLY**

2 A surreply, or sur-reply, is an additional reply to a motion filed after the motion has
3 already been fully briefed. USLegal.com, <http://definitions.uslegal.com/s/sur-reply/> (last
4 visited December 31, 2013). The Local Rules provide for a motion, an opposition, and a reply.
5 Neither the Local Rules nor the Federal Rules provide the right to file a surreply, and the Court
6 neither requested one nor granted a request on the behalf of Plaintiff to file one. Accordingly,
7 Plaintiff's surreply, filed on February 18, 2014, shall be stricken from the record. A district
8 court may allow a surreply to be filed, but only "where a valid reason for such additional
9 briefing exists, such as where the movant raises new arguments in its reply brief." Hill v.
10 England, 2005 WL 3031136, *1 (E.D.Cal. Nov. 8, 2005).

11 Plaintiff has filed a surreply in response to Defendants' reply to his opposition to the
12 motion for summary judgment. Defendants' motion for summary judgment of September 2,
13 2014 was fully briefed and was submitted on the record under Local Rule 230(l) on October 9,
14 2014. L.R. 230(l). (Doc. 29.) The Court neither requested a surreply nor granted a request on
15 behalf of Plaintiff to file one. Plaintiff has not shown good cause for the court to allow him to
16 file a surreply at this juncture. Therefore, Plaintiff's surreply shall be stricken from the record.

17 **III. CONCLUSION**

18 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's surreply, filed on
19 October 27, 2014, is STRICKEN from the Court's record.

20 IT IS SO ORDERED.

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22 Dated: October 29, 2014

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