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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,	CASE NO. 1:09-cv-00809-LJO-SKO PC
Plaintiff,	ORDER STRIKING PLAINTIFF’S MOTION TO
v.	CONTEND DEFENDANT QUILLEN’S
	AFFIRMATIVE DEFENSES
T. QUILLEN, et al.,	(ECF. No. 43)
Defendants.	

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment. Defendant Quillen filed an answer to the complaint on March 29, 2011. On April 8, 2011, Plaintiff filed a motion entitled “Motion to Contend Defendant Quillen[’s] Affirmative Defenses” which stated that Plaintiff disagrees with the affirmative defenses in the answer.

The Federal Rules of Civil Procedure provide, in relevant part, that there shall be a complaint, an answer, and a reply to an answer if the court orders one. Fed. R. Civ. P. 7(a). The Court has not ordered a reply to the answer and declines to make such an order. Therefore Plaintiff’s motion to contend Defendant Quillen’s affirmative defenses shall be stricken from the record.

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1 Accordingly, it is HEREBY ORDERED that Plaintiff's motion, filed April 8, 2011, is
2 STRICKEN from the record.

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4 IT IS SO ORDERED.

5 **Dated: April 16, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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