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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KAREEM STANSBURY,

Case No.: 1:09-cv-01042-GBC (PC)

Plaintiff,

ORDER STRIKING DEFENDANTS'  
SURREPLY  
(Doc. 19)

v.

UNITED STATES GOVERNMENT, et al.,

Defendants.

Plaintiff Kareem Stansbury, a federal prisoner proceeding pro se and in forma pauperis, filed this civil action on June 15, 2009, pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). On April 8, 2010, Defendants filed an unenumerated 12(b) motion to dismiss the action due to the Plaintiff's failure to exhaust administrative remedies. (Doc. 16). On April 21, 2010, Plaintiff filed a "Motion to Dismiss Defendants' Motion" which the Court will construe as an opposition. (Doc. 17). On April 27, 2010, Defendants filed a reply. (Doc. 18). On May 13, 2010, Plaintiff filed a surreply. (Doc. 19).

Plaintiff and Defendants do not have a right to file a surreply under the Local Rules or the Federal Rules of Civil Procedure. Therefore, Plaintiff's surreply is ORDERED STRICKEN from the record. (Doc. 19).

IT IS SO ORDERED.

Dated: June 24, 2011

  
UNITED STATES MAGISTRATE JUDGE