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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

CASE NO. 1:09-cv-01628-OWW-GBC (PC)

Plaintiff,

ORDER STRIKING PLAINTIFF’S SURREPLY
(Doc. 23)

v.

COHEN, et al.,

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. On August 11, 2010, Defendants filed a motion to dismiss. (Doc. 17). Plaintiff filed an opposition on August 17, 2010 and Defendants filed a reply on September 24, 2010 (Docs. 18 and 21). On September 30, 2010, Plaintiff filed a surreply. (Doc. 23). Parties 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. 23).

IT IS SO ORDERED.

Dated: January 19, 2011


UNITED STATES MAGISTRATE JUDGE