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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA ELIZABETH RICCHIO,)	1:10-cv-0824-OWW-SKO-HC
)	
Petitioner,)	ORDER STRIKING PETITIONER'S
)	UNAUTHORIZED EXHIBIT FROM THE
)	RECORD (DOC. 22)
v.)	
)	
WARDEN TINA HORNBEAK, et al.,)	
)	
Respondents.)	
)	
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303. The petition was filed on April 28, 2010; Respondent's answer was filed on August 25, 2010; and Petitioner's traverse was filed on September 13, 2010. Pending before the Court is Petitioner's exhibit in support of the petition, which was filed on December 15, 2010, without any request for permission to file an unauthorized pleading.

Fed. R. Civ. P. 12(f) provides as follows:

The Court may strike from a pleading an insufficient

1 defense or any redundant, immaterial, impertinent,
2 or scandalous matter. The court may act:

3 1) on its own; or

4 2) on motion made by a party either before
5 responding to the pleading or, if a response
is not allowed, within 21 days after being
served with the pleading.

6 A court may strike a document that does not conform to the formal
7 requirements of the pertinent rules of court. Transamerican
8 Corp. v. National Union Fire Ins. Co. of Pittsburgh, Pa., 143
9 F.R.D. 189, 191 (N.D. Ill. 1992). The authorized pleadings in a
10 habeas corpus proceeding are the petition, the answer or any
11 authorized motion filed in response to the petition, and any
12 reply thereto. Rules 1-5 of the Rules Governing Section 2254
13 Cases in the United States District Courts (Habeas Rules).

14 Here, the parties have already filed the appropriate
15 pleadings in this proceeding. Petitioner has not sought, and the
16 Court has not granted, permission to amend the petition or to
17 submit additional documents in support of the petition.

18 Accordingly, it is ORDERED that Petitioner's unauthorized
19 exhibit in support of grant of relief of petition (Doc. 22) be
20 STRICKEN from the record.

21
22 IT IS SO ORDERED.

23 **Dated: January 3, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE