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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CECILIA FRAHER,
Plaintiff,
v.
DR. S. HEYNE, et al.,
Defendants.

Case No. 1:10-cv-0951-LJO-MJS
ORDER DENYING PLAINTIFF'S
MOTIONS FOR DOCUMENT
SUBSTITUTION AND TO COMPEL
AND
GRANTING DEFENDANTS' MOTION TO
STRIKE PLAINTIFF'S SUR-REPLY
(ECF Nos. 59, 62, 67)

Plaintiff Cecilia Fraher ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §1983.

The case proceeds under 28 U.S.C. § 1915A on the Second Amended Complaint ("Complaint") against Defendants Le and Mitchell for providing allegedly inadequate medical care at Central California Women's Facility in violation of the Eighth Amendment. The Court has issued Findings and Recommendations granting Defendants' motion for summary judgment. (ECF Nos. 46, 70.)

Plaintiff has filed a motion for document substitution (ECF No. 59) and a motion to compel (ECF No. 62). Defendants have filed a motion to strike Plaintiff's sur-reply to their motion for summary judgment. (ECF No. 67.) These motions are now before the

1 Court.

2 **I. PLAINTIFF'S MOTION FOR DOCUMENT SUBSTITUTION**

3 Plaintiff asks the Court to substitute a typed document for her original
4 handwritten opposition to Defendants' motion for summary judgment. (ECF No. 59.)
5 Plaintiff alleges that these two documents are identical. (Id.)

6 In ruling on Defendants' motion for summary judgment, the Court relied on
7 Plaintiff's handwritten document. It was timely filed, legible, and fully considered by the
8 Court. No useful purpose would be served in substituting a late, typed version even if
9 there were a proper procedural or other basis for doing so.

10 Accordingly, Plaintiff's motion (ECF No. 59) is DENIED.

11 **II. PLAINTIFF'S MOTION TO COMPEL**

12 Plaintiff filed a motion to compel on August 5, 2013. (ECF No. 62.) Per the
13 Court's initial scheduling order, all motions to compel were to be filed by May 5, 2013.
14 (ECF No. 28.) Plaintiff failed to request an extension of the deadline before it expired.

15 Accordingly, Plaintiff's motion (ECF No. 62) is DENIED.

16 **III. DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S SUR-REPLY**

17 Defendants have requested that the Court strike Plaintiff's sur-reply (ECF No. 66)
18 to their motion for summary judgment. (ECF No. 67.)

19 The Court did not grant Plaintiff leave to file a sur-reply. The Court does not
20 desire any further briefing on the motion. The Court did not review Plaintiff's sur-reply in
21 ruling on Defendants' motion for summary judgment.

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