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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

CASE NO. 1:10-cv-01259-LJO-SKO PC

Plaintiff,

ORDER STRIKING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT AND/OR
REPLY TO ANSWER

v.

DERAL G. ADAMS, et al.,

(Doc. 37)

Defendants.

_____/

Plaintiff Melvin Joseph Simmons, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 14, 2010. On December 9, 2011, Plaintiff filed what is entitled a motion for summary judgment. The motion neither complies with Federal Rule of Civil Procedure 56 nor Local Rule 260, and it appears instead to be responsive to Defendants’ answer. However, neither the Federal Rules of Civil Procedure nor the Local Rules provides for a reply to an answer, absent an order from the Court requiring one, and here, the Court did not order one. Fed. R. Civ. P. 7(a)(7).

Accordingly, Plaintiff’s motion is HEREBY ORDERED STRICKEN from the record (1) as procedurally deficient to the extent it is a motion for summary judgment, and (2) as filed without leave of court to the extent it is a reply to the answer.

IT IS SO ORDERED.

Dated: December 12, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE