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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE CHRISTOPHER SMITH,

Plaintiff,

v.

D. GOSS, et al.,

Defendants.

Case No.: 1:10-cv-01814-LJO-JLT (PC)

ORDER STRIKING SUR-REPLY

(Doc. 106)

Plaintiff Lawrence Christopher Smith (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on the following cognizable claims in the Third Amended Complaint: under the First Amendment for retaliation against Defendants Lt. Goss, Lt. Gallagher, and Officer Langler; under the Eighth Amendment for deliberate indifference to his serious medical condition against PA Byers and Lt. Gallagher; and for his claim of a violation of his right to due process against Lt. Goss. (Docs. 31, 42, 47.)

On July 22, 2014, Defendants Goss and Gallagher filed a motion for summary judgment based on Plaintiff's failure to exhaust the available administrative remedies. (Doc. 69.) Plaintiff filed an opposition on August 18, 2014, and Defendants filed a reply on August 25, 2014. (Docs. 80, 88.) Defendants' motion to dismiss was deemed submitted pursuant to Local Rule 78-230(m) on August 25, 2014. However, on October 10, 2014, Plaintiff filed a sur-reply. Plaintiff does not have a right to

1 file a sur-reply under the Local Rules or the Federal Rules of Civil Procedure, and Plaintiff did not
2 obtain leave of court to do so.

3 Therefore, Plaintiff's surreply is HEREBY ORDERED STRICKEN from the record.
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5 IT IS SO ORDERED.

6 Dated: October 14, 2014

/s/ Jennifer L. Thurston
7 UNITED STATES MAGISTRATE JUDGE
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