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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY NGUYEN,

Plaintiff,

v.

M. D. BITER,

Defendant.

CASE NO. 1:11-cv-00809-AWI-SKO PC

ORDER STRIKING SURREPLY

(Doc. 87)

Plaintiff Anthony Nguyen, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 18, 2011. Pending before the Court is Defendant’s motion to dismiss, filed on March 18, 2013. Plaintiff filed an opposition on May 1, 2013, Defendant filed a reply on May 8, 2013, and the motion has been submitted upon the record. Local Rule 230(l). However, on May 20, 2013, Plaintiff filed a surreply.

No further briefing on Defendant’s motion to dismiss is permitted absent leave of court. The Court did not grant Plaintiff leave to file a surreply and the Court does not desire any further briefing on the motion. *Id.* Accordingly, Plaintiff’s surreply is HEREBY STRICKEN from the record and Defendant’s motion to dismiss will be addressed in due course. *Id.*

IT IS SO ORDERED.

Dated: May 22, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE