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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

WILBUR ATCHERLEY, ) Case No.: 1:12cv00225 LJO DLB (PC)  
)  
Plaintiff, ) ORDER GRANTING DEEFENDANTS’ REQUEST  
v. ) TO STRIKE PLAINTIFF’S SEPARATE  
) STATEMENT OF FACTS  
CLARK, et al., ) (Document 261-3)  
)  
Defendants. ) ORDER STRIKING PLAINTIFF’S SEPARATE  
) STATEMENT OF FACTS  
) (Document 246)  
)  
)

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Plaintiff William Atcherley (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding on Plaintiff’s Third Amended Complaint, filed on January 26, 2015, for violation of the Eighth Amendment and negligence against numerous Defendants.

The motion for summary judgment filed by Defendants Abadia, Holt, Borbolla, Ceballos, Rios, Torres, Ross and Clark is pending.

On April 27, 2015, Plaintiff filed his opposition to the motion, as well as his response to Defendants’ statement of undisputed facts. He also filed evidentiary objections, a statement of disputed facts, two declarations, a request for judicial notice and a “Separate Statement of Facts in

1 Support of his Opposition.” Combined, these documents presented hundreds of pages of briefing and  
2 exhibits.

3 On May 19, 2015, as part of their reply, Defendants moved to strike Plaintiff’s “Separate  
4 Statement of Facts” as an impermissible filing under Local Rule 260(b).

5 The Court has reviewed Plaintiff’s filing and finds that it is an unauthorized filing under Local  
6 Rule 260(b). The briefing contains a mix of arguments and “facts” already presented in his  
7 opposition.

8 Accordingly, Defendants’ request to strike is GRANTED and Document 246 is STRICKEN  
9 from the record.

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11 IT IS SO ORDERED.

12 Dated: June 16, 2015

13 /s/ Dennis L. Beck  
14 UNITED STATES MAGISTRATE JUDGE  
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