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

WILBUR ATCHERLEY,)	Case No.: 1:12cv00225 LJO DLB (PC)
)	
Plaintiff,)	ORDER GRANTING DEFENDANT
v.)	ANDERSON’S MOTION TO STRIKE ANSWER
)	(Document 65)
CLARK, et al.,)	
)	ORDER STRIKING DEFENDANT
Defendants.)	ANDERSON’S ANSWER
)	(Document 59)
)	

Plaintiff Wilbur Atcherley (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendants Ceballos, Borbolla, Holt, Rios, Torres, Ross, Alade, Abadia and Anderson. The action is currently in the discovery phase.

On May 20, 2014, James Mathison, the Deputy Attorney General who represents numerous Defendants in this action, filed a request to withdraw and/or strike Defendant Anderson’s answer, filed on May 13, 2014. According to Mr. Mathison, the answer was inadvertently filed on behalf of Defendant Anderson without an authorization for representation. Mathison Decl. ¶ 4. The day after inadvertently filing the answer, Mr. Mathison was informed that Defendant Anderson would be represented by outside counsel. Mathison Decl. ¶ 5. Outside counsel is prepared to file a responsive

1 pleading on behalf of Defendant Anderson and requested that Mr. Mathison file the instant request.
2 Mathison Decl. ¶ 5.

3 Courts have the inherent power to control their docket and in the exercise of that power, they
4 may properly strike documents. Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404-05 (9th
5 Cir. 2010). As it appears that Defendant Anderson was not represented by the Attorney General's
6 Office at the time the answer was filed, the Court finds that the document should be stricken.

7 Accordingly, the Court GRANTS Defendant Anderson's motion to strike and STRIKES the
8 answer filed on May 13, 2014 (Document 59).

9 Defendant Anderson SHALL file a responsive pleading within ten (10) days of the date of
10 service of this order. The May 14, 2014, order extending the Discovery and Scheduling Order to
11 Defendant Anderson SHALL remain in effect.

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13 IT IS SO ORDERED.

14 Dated: May 22, 2014

/s/ Dennis L. Beck
15 UNITED STATES MAGISTRATE JUDGE
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