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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CESAR ENCISO,

Plaintiff,

v.

DR. MOON, et al.,

Defendants.

Case No. 1:12-cv-00924-LJO-SKO (PC)

ORDER GRANTING MOTION TO STRIKE
REPLY TO ANSWER

(Docs. 27 and 29)

Plaintiff Cesar Enciso, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 7, 2012. This action is proceeding against Defendants Moon, Alcantar,¹ Silva, Doe 1, and Doe 3 for violation of the Eighth Amendment of the United States Constitution and for negligence under California law. Plaintiff's claims arise out of the denial of adequate medical treatment in 2010 and 2011 at North Kern State Prison in Delano, California.

On December 3, 2013, Plaintiff filed a reply to Defendants Moon, Alcantar, and Silva's answer. Defendants filed a motion to strike the reply on December 23, 2013, and Plaintiff filed a statement of non-opposition on January 23, 2014. Local Rule 230(l).

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. Fed. R. Civ. P. 7(a)(7). In this case, the Court did not order a reply to the answer, and Plaintiff does not oppose the motion to strike.

¹ Identified in the complaint as Alcator.

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Accordingly, Defendants' motion to strike, filed on December 23, 2013, is GRANTED and Plaintiff's reply to the answer, filed on December 3, 2013, is STRICKEN from the record.

IT IS SO ORDERED.

Dated: February 5, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE