

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH RAYMOND MCCOY,)	1:12cv00983 AWI DLB PC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	MOTION FOR NEW TRIAL
vs.)	
)	(Document 110)
STRONACH, et al.,)	
)	
Defendants.)	

Plaintiff Joseph Raymond McCoy (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed his complaint on June 19, 2012.

On April 22, 2015, the Court issued Findings and Recommendations to grant Defendants’ motion for summary judgment based on exhaustion. After Plaintiff filed objections and Defendants filed their reply, the Court adopted the Findings and Recommendations on September 1, 2015, and dismissed the action without prejudice.

On September 16, 2015, Plaintiff filed a “motion for a new trial” in which he contends that his rights were violated because the Court adopted the Findings and Recommendations without permitting him to “refute” Defendants’ reply.¹

¹ Plaintiff filed a response to Defendants’ reply on September 10, 2015.

1 Plaintiff's argument is without merit. The Findings and Recommendations permit an
2 objection and reply. The Findings are then submitted to the District Court for review. A party is
3 not permitted to file a "response" to the reply.

4 To the extent Plaintiff disagrees with the merits of the underlying decision, he may
5 appeal the Court's dismissal.

6 Accordingly, Plaintiff's "Motion for New Trial" (Doc. 110) is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: October 6, 2015

10 
11 _____
12 SENIOR DISTRICT JUDGE