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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ANTWOINE BEALER,

12 Plaintiff,

13 vs.

14 R. HARRIS, et al.,

15 Defendants.
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1:12-cv-01516-AWI-GSA-PC

ORDER STRIKING SURREPLIES
(Docs. 70, 72.)

17 **I. BACKGROUND**

18 Antoine Bealer ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
19 with this civil rights action pursuant to 42 U.S.C. § 1983. On September 14, 2012, Plaintiff
20 filed the Complaint commencing this action. (Doc. 1.) This case now proceeds with the Fourth
21 Amended Complaint filed on March 28, 2014, against defendants Rios and Brannum for use of
22 excessive force in violation of the Eighth Amendment. (Doc. 21.)

23 On May 22, 2015, Defendants filed a motion for protective order. (Doc. 60.) Plaintiff
24 filed an opposition to the motion on June 10, 2015. (Doc. 65.) On June 16, 2015, Defendants
25 filed a reply to Plaintiff's opposition. (Doc. 67.)

26 On June 26, 2015, Plaintiff filed a response to Defendants' reply. (Doc. 70.) On July 6,
27 2015, Plaintiff filed a declaration in support of his response. (Doc. 72.) The court construes
28 Plaintiff's June 26 response and July 6 declaration as impermissible surreplies.

1 **II. SURREPLY**

2 A surreply, or sur-reply, is an additional reply to a motion filed after the motion has
3 already been fully briefed. USLegal.com, <http://definitions.uslegal.com/s/sur-reply/> (last
4 visited December 31, 2013). The Local Rules provide for a motion, an opposition, and a reply.
5 Neither the Local Rules nor the Federal Rules provide the right to file a surreply. A district
6 court may allow a surreply to be filed, but only “where a valid reason for such additional
7 briefing exists, such as where the movant raises new arguments in its reply brief.” Hill v.
8 England, 2005 WL 3031136, *1 (E.D.Cal. Nov. 8, 2005). In this case, the Court neither
9 requested any surreplies nor granted a request on the behalf of Plaintiff to file any surreplies.

10 Plaintiff has filed surreplies in response to Defendants’ reply to his opposition to the
11 motion for protective order. Defendants’ motion for protective order was filed on May 22,
12 2015 and therefore was fully briefed and submitted on the record under Local Rule 230(l) on
13 June 16, 2015, when Defendants filed their reply to Plaintiff’s opposition. (Doc. 67.) Plaintiff
14 has not shown good cause for the court to allow him to file any surreplies at this juncture.
15 Therefore, Plaintiff’s surreplies shall be stricken from the record.

16 **III. CONCLUSION**

17 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s surreplies, filed on
18 June 26, 2015 and July 7, 2015, are STRICKEN from the Court’s record.

19 IT IS SO ORDERED.
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21 Dated: July 8, 2015

/s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE
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