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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

QUINCY SIMS,

Plaintiff,

v.

M. CABRERA,

Defendant.

Case No. 1:12-cv-01904-LJO-SKO (PC)

ORDER STRIKING REPLY TO ANSWER

(Doc. 25)

Plaintiff Quincy Sims (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 21, 2012. This action for damages is proceeding against Defendant M. Cabrera (“Defendant”) for failing to protect Plaintiff from the threat of harm by gang members or affiliates while he was at Kern Valley State Prison, in violation of the Eighth Amendment of the United States Constitution.

On May 1, 2014, Defendant filed an answer to Plaintiff’s amended complaint. (Doc. 16.) On May 19, 2014, Plaintiff filed a reply entitled “Motion in Agreement to Defendant Martin Cabrera[’s] Demand for a Jury Trial.” (Doc. 25.) In addition to agreeing with the demand for trial by jury, Plaintiff addressed Defendant’s answer substantively. However, neither the Federal Rules of Civil Procedure nor the Local Rules provide for a reply to an answer, absent an order from the Court requiring one, and in this case, the Court did not order a reply. Fed. R. Civ. P. 7(a)(7).

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Accordingly, Plaintiff's reply to Defendant's answer is HEREBY ORDERED STRICKEN
from the record.

IT IS SO ORDERED.

Dated: December 8, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE