

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDWARD POWELL,

Plaintiff,

vs.

MADDEN, *et al.*,

Defendants.

Case No. 1:13-cv-00057-RRB

ORDER REGARDING
MOTION AT DOCKET 29

At **Docket 29** Plaintiff Tony Edward Powell, a state prisoner appearing *pro se*, filed a document entitled “Petition for Leave, Permitting Plaintiff’s Response to Defendant’s Answer to Complaint.” It is unclear from Powell’s document as presented precisely what relief Powell is seeking and on what procedural basis that relief is sought. In federal courts there is no reply to an answer unless ordered by the court,¹ which this Court has not ordered. To the extent that Powell seeks leave to controvert an affirmative defense, this Court deems all affirmative defenses as being controverted, thereby rendering Powell’s

¹ Fed. R. Civ. P. 7(a)(7).

motion unnecessary.² As presently constituted, Powell's motion does not satisfy the requirements for summary disposition.³

This Court will consider the matters that may be properly submitted to it for determination pre-trial when presented as provided in the Federal Rules of Civil Procedure.⁴ Accordingly, the "Petition for Leave, Permitting Plaintiff's Response to Defendant's Answer to Complaint" at **Docket 29** is **DENIED**, without prejudice.

IT IS SO ORDERED this 24th day of December, 2013.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

² *Cf. Crawford v. Britton*, 523 U.S. 574, 578 (1998) (noting that in order to prevent officials from being subjected to unnecessary and burdensome pretrial proceedings, a trial court has discretion to either order a reply to the defendant's answer under Rule 7(a), or grant a motion for a more definite statement under Rule 12(e)).

³ *See, e.g.*, Fed. R. Civ. P. 12(c) (judgment on the pleadings), 56 (summary judgment).

⁴ *Id.*