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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID JAMES STEPHEN,)	Case No.: 1:13-cv-00580-SAB (HC)
Petitioner,)	
v.)	ORDER DENYING AS MOOT PETITIONER’S
)	MOTION FOR LEAVE TO FILE
K. HOLLAND,)	SUPPLEMENTAL OPPOSITION TO
Respondent.)	RESPONDENT’S MOTION TO DISMISS
)	(ECF No. 15)
)	
)	
)	

On July 25, 2013, the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was dismissed with prejudice as untimely under 28 U.S.C. § 2244(d), and judgment was entered this same date.

On August 5, 2013, Petitioner filed a motion for leave to file a supplemental opposition to Respondent’s motion to dismiss the petition. Petitioner’s motion is self-dated July 28, 2013.

As procedural background, Respondent filed a motion to dismiss the petition as untimely on June 25, 2013. Petitioner filed an opposition on July 15, 2013, and Respondent filed a reply on July 19, 2013.

In the instant motion, Petitioner is essentially requesting to file a surreply, which is an additional reply to a motion filed after the motion has already been fully briefed. See Local Rule 230(l) (matter is generally submitted after movant files and serves reply). Neither the Local Rules nor the Federal Rules provide the right to file a surreply.

1 In this instance, the Court did not request a surreply and Petitioner’s motion was filed after the
2 Court ruled on Respondent’s motion to dismiss. Therefore, Petitioner’s motion for leave to file a
3 surreply is DENIED as MOOT.

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5 IT IS SO ORDERED.

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7 Dated: August 13, 2013


UNITED STATES MAGISTRATE JUDGE

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