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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**  
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9 ST. MICHAEL BALZARINI, ) 1:13-cv-00820-LJO-BAM (PC)  
10 Plaintiff, )  
11 v. ) ORDER STRIKING PLAINTIFF’S  
12 KYLE LEWIS, et al., ) SURREPLY  
13 Defendants. ) (ECF No. 48)  
14 )  
15 )

16 Plaintiff St. Michael Balzarini (“Plaintiff”), a state prisoner proceeding pro se and in  
17 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 30, 2013. This  
18 action is proceeding on Plaintiff’s second amended complaint, filed on July 17, 2014, against  
19 Defendants Ulit and Agtarap for deliberate indifference to serious medical needs in violation of  
20 the Eighth Amendment of the United States Constitution.

21 Pending before the Court is Defendants’ motion for partial summary judgment to revoke  
22 in forma pauperis status filed on October 3, 2014. Plaintiff filed an opposition on November 13,  
23 2014, Defendants filed a reply on November 24, 2014, and the motion has been submitted upon  
24 the record. Local Rule 230(l). However, on January 16, 2015, Plaintiff filed a document entitled  
25 “Opposition to Motion to Proceed In Forma Pauperis.” (ECF No. 48.) The Court construes this  
26 filing as a surreply.

27 No further briefing on Defendants’ motion for summary judgment is permitted absent  
28 leave of court. The Court did not grant Plaintiff leave to file a surreply and the Court does not

1 desire any further briefing on the motion. Id. Accordingly, Plaintiff's surreply is HEREBY  
2 STRICKEN from the record and Defendants' motion for summary judgment will be addressed in  
3 due course. Id.

4 IT IS SO ORDERED.

5 Dated: May 12, 2015

6 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE