

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ST. MICHAEL BALZARINI,) 1:13-cv-00820-LJO-BAM (PC)
Plaintiff,)
) ORDER STRIKING PLAINTIFF'S
v.) SURREPLY
) (ECF No. 48)
KYLE LEWIS, et al.,)
Defendants.)
)
)

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

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

No further briefing on Defendants' motion for summary judgment is permitted absent 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

/s/ Barbara A. McAuliffe

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UNITED STATES MAGISTRATE JUDGE

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