

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9
10 LEONARD BROWN,

Case No. 1:13-cv-01122-LJO-SKO

11 Plaintiff,

ORDER STRIKING PLAINTIFF'S MOTION
TO SUPPLEMENT REPLY BRIEF IN
SUPPORT OF CROSS-MOTION FOR
SUMMARY JUDGMENT

12 v.

13 U.S. DEPARTMENT OF JUSTICE,

(Doc. 28)

14 Defendant.
15 _____/

16 Plaintiff Leonard Brown, a state prisoner proceeding *pro se* and *in forma pauperis*, filed
17 this Freedom of Information Act ("FOIA") action pursuant to 5 U.S.C. § 552.6 on July 19, 2013.
18 (Doc. 2.) On August 6 and 25, 2014, Plaintiff filed motions to compel discovery and to compel
19 production of a Vaughn Index. (Docs. 15; 18.) Defendant Department of Justice ("DOJ") filed
20 oppositions to the motions to compel and filed a motion for summary judgment on September 8,
21 2014. (See Doc. 19.) Plaintiff then filed a cross-motion for summary judgment on September 26,
22 2014. (Doc. 20.) As the motions to compel discovery and to produce a Vaughn Index are directly
23 related to the substantive issue of production of documents under the FOIA, they were continued
24 and consolidated with the parties' motions for summary judgment. (Doc. 26.)

25 On March 17, 2015, the Court recommended pursuant to 28 U.S.C. § 636(b)(1)(B) and
26 Local Rule 304 that Defendant DOJ's motion for summary judgment be granted and Plaintiff's
27 motion for summary judgment be denied. (Doc. 27.) Plaintiff's motions to compel discovery and
28 the production of a Vaughn Index were concurrently denied as well. (Doc. 27.)

1 Plaintiff was notified that if he disagreed with the Court's Findings and Recommendations,
2 he could file written objections with the Court and serve a copy on all parties within twenty-eight
3 (28) days of service of the recommendation. (*See* Doc. 27, p. 22-23.) Plaintiff was not given
4 leave to file any other document, pleading, or motion with the Court. (*See* Doc. 27, p. 22-23.)

5 On March 25, 2015, apparently in response to the Court's recommendation, Plaintiff filed
6 his "Motion to Supplement Reply Brief in Support of Cross-Motion for Summary Judgment."
7 (Doc. 28.) Plaintiff was not granted leave to file such a Motion, and is referred to the Court's
8 recommendation of March 17, 2015, for the proper procedure by which he may object to the
9 Court's recommendation.

10 If Plaintiff intends to object to the Court's recommendation of March 17, 2015, he must
11 file written objections with the Court and serve a copy on all parties within twenty-eight (28) days
12 of service of the recommendation. The written objection is required to be captioned "Objections
13 to Magistrate Judge's Findings and Recommendations." 28 U.S.C. § 636(b)(1)(B). The written
14 objection must contain all of Plaintiff's objections and arguments, and the failure to file objections
15 within the specified time frame may waive Plaintiff's right to appeal any part of an order affirming
16 the Court's recommendation. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014). This
17 means that Plaintiff's written objections must be *received* and *filed* by no later than Friday, March
18 17, 2015, and must contain *all* Plaintiff's objections.

19 In light of the Court's recommendation on March 17, 2015, Plaintiff's Motion to
20 Supplement Reply Brief in Support of Cross-Motion for Summary Judgment is ORDERED
21 STRICKEN from the record.

22
23 IT IS SO ORDERED.

24 Dated: March 27, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE