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

LARRY WILLIAM CORTINAS,)	Case No.: 1:13-cv-01229-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER STRIKING PLAINTIFF’S REPLY TO ANSWER
CONNIE GIPSON, et al.,)	[ECF No. 26]
Defendants.)	
)	
)	
)	

Plaintiff Larry William Cortinas is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on August 19, 2013. Local Rule 302.

This action is proceeding against Defendant Portillo for excessive force in violation of the Eighth Amendment, and against Defendants Chief Deputy Warden S. Johnson, LaFleur, Moreno, Kerber, and A. Johnson for failure to protect and intervene in violation of the Eighth Amendment.

On May 21, 2014, Defendants S. Johnson, A. Johnson, Moreno, and Portillo filed an answer to the complaint.

On August 6, 2014, Plaintiff filed a reply to Defendant’s answer.

Rule 7 of the Federal Rules of Civil Procedure provides as follows:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party

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complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Fed. R. Civ. P. 7(a). Because the Court did not order Plaintiff to reply to answer, Plaintiff's response is HEREBY STRICKEN from the record.

IT IS SO ORDERED.

Dated: August 7, 2014


UNITED STATES MAGISTRATE JUDGE