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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IRVIN VAN BUREN,)	1:13-cv-01273-LJO-DLB PC
)	
Plaintiff,)	ORDER DENYING DEFENDANT’S
)	MOTION TO STRIKE SURREPLY
vs.)	(Document 51)
)	
EMERSON,)	ORDER REQUIRING DEFENDANT TO
)	RESPOND TO SURREPLY
Defendants.)	

Plaintiff Irvin Van Buren (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. This action is proceeding on Plaintiff’s First Amended Complaint against Defendant Emerson for violation of the Eighth Amendment.

Defendant’s December 3, 2014, motion for summary judgment based on exhaustion is pending.

Plaintiff filed a surreply raising new arguments on January 29, 2015. In the interest of addressing all relevant issues, the Court ORDERS Defendant to respond to Plaintiff’s January 29, 2015, filing within twenty-one (21) days of the date of service of this order. Plaintiff is not permitted to file a reply.

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1 Defendant's motion to strike Plaintiff's surreply is DENIED.

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3 IT IS SO ORDERED.

4 Dated: March 27, 2015

/s/ Dennis L. Beck
5 UNITED STATES MAGISTRATE JUDGE