

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARTHUR T. BUSSIERE,
Plaintiff,
v.
DR. W. KOKOR, et al.,
Defendants.

Case No. 1:13-cv-01565-AWI-SKO (PC)
**ORDER GRANTING DEFENDANTS
LEAVE TO FILE SURREPLY**
(Docs. 37, 42, and 44)
**Surreply Deadline: Twenty-one days
Response Deadline: Twenty days from surreply**

Plaintiff Arthur T. Bussiere (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 27, 2013. This action is proceeding on Plaintiff’s amended complaint against Defendants Kokor, Hashemi, and Tiggs Brown (“Defendants”) for violation of the Eighth Amendment of the United States Constitution. On October 28, 2015, Plaintiff filed a motion seeking leave to submit interrogatories in excess of twenty-five. Fed. R. Civ. P. 33(a)(1). On November 17, 2015, Defendants filed a statement of non-opposition, to the extent Plaintiff is seeking leave to serve the additional five interrogatories on each defendant to which Defendants stated they would respond. On December 4, 2015, Plaintiff filed a response clarifying that he is seeking leave to serve an additional twenty-five interrogatories on each defendant.

Although entitled as a motion, Plaintiff’s response is more properly characterized as a reply. Given that Plaintiff has clarified his intent in his reply, the Court *sua sponte* grants leave to

1 file a surreply. If Defendants elect to a surreply, Plaintiff may file an additional response if he
2 deems one necessary.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. Defendants are granted leave to file a surreply within **twenty-one (21) days** from
5 the date of service of this order; and
- 6 2. If Defendants elect to file a surreply and Plaintiff determines a further response is
7 necessary, he may file a response to Defendants' surreply within **twenty (20) days**
8 from the date of service of the surreply.

9
10 IT IS SO ORDERED.

11 Dated: December 7, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28