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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT G. BAKER,
Plaintiff,

v.

CONNIE GIPSON, et al.,
Defendants.

Case No. 1: 13-cv-01931-MJS (PC)

ORDER STRIKING PLAINTIFF'S
MOTION IN OPPOSITION TO
DEFENDANT'S ANSWER

(ECF No. 30)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 28 U.S.C. § 1983. (ECF Nos. 1 & 7.) The action proceeds against Defendant Kitt on Plaintiff's Eighth Amendment medical indifference claim. (ECF No. 11.) On February 19, 2015, Defendant filed an answer. (ECF No. 25.)

Before the Court is Plaintiff's motion in opposition to Defendant's answer. (ECF No. 30.) Defendant filed an opposition (ECF No. 34.), and Plaintiff has replied (ECF No. 35.). The matter is deemed submitted. Local Rule 230(*l*).

Plaintiff's motion is essentially a reply to Defendant's answer. Plaintiff indicates whether he agrees or disagrees with each paragraph of Defendant's answer and requests that the Court grant the relief he seeks in his First Amended Complaint

1 (“FAC”). Defendant responds that Plaintiff has not stated the particular legal grounds
2 for his motion or specified what relief he is entitled to aside from the relief he seeks in
3 his FAC in violation of Fed. R. Civ. P. 7(b)(1).

4 A party may file a reply to an answer if the Court orders one. Fed. R. Civ. P.
5 7(a)(7). The Court did not order Plaintiff to file a reply and none is necessary here. If
6 Plaintiff is seeking to strike any portion of Defendant’s answer or affirmative defenses,
7 he should state with particularity what portion or defenses he is seeking to have stricken
8 and the basis for doing so. See Fed. R. Civ. P. 7(b)(1)(B); See *also* Fed. R. Civ. P.
9 12(f) (“an insufficient defense or any redundant, immaterial, impertinent, or scandalous
10 matter” may be stricken from a pleading).

11 Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s motion in
12 opposition to Defendant’s answer is STRICKEN as unnecessary and improper.

13
14 IT IS SO ORDERED.

15
16 Dated: May 11, 2015

1s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE