1				
2				
3 4				
5				
6				
7				
8	UNITED STAT	TES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA			
10				
11	TYRONE THOMPSON,	) Case No.: 1:14-cv-01896-LJO-SAB (PC)		
12	Plaintiff,	) ) ) ORDER DENYING PLAINTIFF'S MOTION		
13	v.	) TO STRIKE PLAINTIFF'S MOTION FOR CONTEMPT OF COURT AND GRANTING		
14	VIDURRIA, et al.,	<ul> <li>DEFENDANTS' REQUEST TO EXTEND TIME</li> <li>TO FILE AN OPPOSITION TO PLAINTIFF'S</li> </ul>		
15	Defendants.	) MOTION )		
16		_) [ECF Nos. 37, 38]		
17	Plaintiff Tyrone Thompson is appearing pro se and in forma pauperis in this civil rights action			
18	pursuant to 42 U.S.C. § 1983.			
19	On October 15, 2015, Plaintiff filed a motion for contempt of court and sanctions against the			
20		on and Attorney General Kamala D. Harris. (ECF No.		
21	35.)	$\frac{1}{2}$		
22	Defendants filed a motion to strike Pla	intiff's motion on October 23, 2015. (ECF No. 38.)		
23 24	I. DISCUSSION			
24	A. Motion To Strike			
26	This action is proceeding against Defendants Vidurria and Martinez for deliberate indifference			
20	to a serious medical need for failing to transport him to a medical appointment resulting in			
28	exacerbation of Plaintiff's respiratory pathologies.			
-				

Plaintiff seeks to Court to hold the attorneys in contempt and impose sanctions for obtaining unauthorized discovery materials from the litigation coordinator at Prison in violation of Plaintiff's privacy rights. Plaintiff seeks, *inter alia*, declaratory relief, injunctive relief, compensatory and punitive damages.

Pursuant to Federal Rule of Civil Procedure 12(f), upon motion or sua sponte, a court may 5 strike "from any pleading any insufficient defense or any redundant, immaterial, impertinent, or 6 scandalous matter." Fed. R. Civ. P. 12(f). "[T]he function of a 12(f) motion to strike is to avoid the 7 expenditure of time and money that must arise from litigating spurious issues by dispensing with those 8 issues prior to trial." Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973 (9th Cir. 2010). 9 Motions to strike are generally disfavored and "should not be granted unless the matter to be stricken clearly could have no possible bearing on the subject of the litigation ... If there is any doubt whether the portion to be stricken might bear on an issue in the litigation, the court should deny the motion." Platte Anchor Bolt, Inc. v. IHI Inc., 352 F.Supp.2d 1048, 1057 (N.D. Cal. 2004) (internal citations omitted). Thus, motions to strike should only be granted if "the matter has no logical connection to the controversy at issue and may prejudice one or more of the parties to the suit." Rivers v. County of Marin, No. C 05-4251, 2006 WL 581096, at \*2 (N.D. Cal. 2006). Where the moving party cannot adequately demonstrate such prejudice, courts frequently deny motions to strike "even though the 17 offending matter literally [was] within one or more of the categories set forth in Rule 12(f). Id. 18

19 When a document is stricken, it becomes a nullity and is not considered by the court for any 20 purpose. "With a motion to strike, just as with a motion to dismiss, the court should view the pleading in the light most favorable to the nonmoving party." Platte Anchor Bolt Inc., 352 F.Supp.2d at 1057. 21 A decision to strike material from the pleadings is vested to the sound discretion of the trial court. 22 23 Nurse v. United States, 226 F.3d 996, 1000 (9th Cir. 2000).

24 Defendants have not established that "the matter has no logical connection to the controversy at issue and may prejudice one or more of the parties to the suit." Platte Anchor Bolt, Inc., 352 25 F.Supp.2d at 1057. Plaintiff's motion relates to discovery obtained in this action, and the Court finds 26 27 that striking the motion outright would be improper. Accordingly, Defendants' motion to strike 28 Plaintiff's motion to contempt of court and sanctions is DENIED.

1

2

2

Image: B. Motion for Extension of Time         Defendants submit that if their motion to strike Plaintiff's motion for contempt and strike be granted an extension of the deadline to file a response to Plaintiff's motion.         On the basis of good cause, Defendants have fifteen days from the date of service of to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion.         Image: The structure of the deadline to file a response to Plaintiff's motion for contempt of court and sa DENIED; and         Image: The structure of the date of the structure of the date of the structure of the structure of the a response to Plaintiff's motion for the date of the structure of t			
<ul> <li>they be granted an extension of the deadline to file a response to Plaintiff's motion.</li> <li>On the basis of good cause, Defendants have fifteen days from the date of service of to file a response to Plaintiff's motion.</li> <li>II.</li> <li>ORDER</li> <li>Based on the foregoing, it is HEREBY ORDERED that:</li> <li>1. Defendants' motion to strike Plaintiff's motion for contempt of court and sa DENIED; and</li> <li>2. Defendants' motion for an extension of time is GRANTED, and Defendants</li> </ul>	<b>B.</b> Motion for Extension of Time		
<ul> <li>4 On the basis of good cause, Defendants have fifteen days from the date of service of</li> <li>5 to file a response to Plaintiff's motion.</li> <li>6 II.</li> <li>7 ORDER</li> <li>8 Based on the foregoing, it is HEREBY ORDERED that:</li> <li>9 1. Defendants' motion to strike Plaintiff's motion for contempt of court and sa</li> <li>10 DENIED; and</li> <li>11 2. Defendants' motion for an extension of time is GRANTED, and Defendants</li> </ul>			
<ul> <li>to file a response to Plaintiff's motion.</li> <li>II.</li> <li>ORDER</li> <li>Based on the foregoing, it is HEREBY ORDERED that:</li> <li>1. Defendants' motion to strike Plaintiff's motion for contempt of court and sa</li> <li>DENIED; and</li> <li>2. Defendants' motion for an extension of time is GRANTED, and Defendants</li> </ul>			
6       II.         7       ORDER         8       Based on the foregoing, it is HEREBY ORDERED that:         9       1. Defendants' motion to strike Plaintiff's motion for contempt of court and sa         10       DENIED; and         11       2. Defendants' motion for an extension of time is GRANTED, and Defendants			
7ORDER8Based on the foregoing, it is HEREBY ORDERED that:91. Defendants' motion to strike Plaintiff's motion for contempt of court and sa10DENIED; and112. Defendants' motion for an extension of time is GRANTED, and Defendants			
<ul> <li>Based on the foregoing, it is HEREBY ORDERED that:</li> <li>Defendants' motion to strike Plaintiff's motion for contempt of court and sa</li> <li>DENIED; and</li> <li>Defendants' motion for an extension of time is GRANTED, and Defendants</li> </ul>			
<ul> <li>9</li> <li>1. Defendants' motion to strike Plaintiff's motion for contempt of court and sa</li> <li>10</li> <li>DENIED; and</li> <li>11</li> <li>2. Defendants' motion for an extension of time is GRANTED, and Defendants</li> </ul>			
10DENIED; and112.Defendants' motion for an extension of time is GRANTED, and Defendants			
11 2. Defendants' motion for an extension of time is GRANTED, and Defendants			
motion.			
13 motion. 14			
15 IT IS SO ORDERED.			
16 Dated: October 29, 2015			
17 UNITED STATES MAGISTRATE JUDO	ĴĒ		
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
3			