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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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10 11 JEFFREY P. PERROTTE,

) Case No. 1:15-cv-00026-LJO-SAB (PC)

12 Plaintiff,

)) ORDER DENYING PLAINTIFF'S REQUEST TO
13 v.) FILE A SURREPLY

14 STACEY JOHNSON, et al.,

) [ECF No. 201]

15 Defendants.

)

16 _____)

17 Plaintiff Jeffrey P. Perrotte is appearing pro se and in forma pauperis in this civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 On October 4, 2019, Plaintiff filed a request to file a surreply. Parties do not have the right to
20 file surreplies and motions are deemed submitted when the time to reply has expired. Local Rule
21 230(l). The Court generally views motions for leave to file a surreply with disfavor. Hill v. England,
22 No. CVF05869 REC TAG, 2005 WL 3031136, at *1 (E.D. Cal. 2005) (citing Fedrick v. Mercedes-
23 Benz USA, LLC, 366 F.Supp.2d 1190, 1197 (N.D. Ga. 2005)). However, district courts have the
24 discretion to either permit or preclude a surreply. See U.S. ex rel. Meyer v. Horizon Health Corp., 565
25 F.3d 1195, 1203 (9th Cir. 2009) (district court did not abuse discretion in refusing to permit
26 “inequitable surreply”); JG v. Douglas County School Dist., 552 F.3d 786, 803 n.14 (9th Cir. 2008)
27 (district court did not abuse discretion in denying leave to file surreply where it did not consider new
28 evidence in reply); Provenz v. Miller, 102 F.3d 1478, 1483 (9th Cir. 1996) (new evidence in reply may

1 not be considered without giving the non-movant an opportunity to respond). Inasmuch as on October
2 3, 2019, the Court issued Findings and Recommendations recommending that Defendant's motion for
3 summary judgment be denied, Plaintiff's motion to file a surreply is denied as moot.

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5 IT IS SO ORDERED.

6 Dated: October 8, 2019


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UNITED STATES MAGISTRATE JUDGE