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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JOSH THOMAS,

10 Plaintiff,

11 vs.

12 WILKINSON, et al.,

13 Defendants.  
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1:15-cv-00527-LJO-GSA-PC

**ORDER STRIKING IMPERMISSIBLE  
SURREPLY  
(ECF No. 64.)**

15 Josh Thomas (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action  
16 pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on April  
17 21, 2014, at the Fresno County Superior Court, case number 14CECG01710. (ECF No. 2, Exh.  
18 A.) On April 2, 2015, defendant Jasmine A. Tehrani removed the complaint to federal court  
19 pursuant to 28 U.S.C. 1441(a). (ECF No. 2.)

20 This case now proceeds with the original complaint against defendant Renee Wilkinson,  
21 Ph.D.<sup>1</sup> (“Defendant”) on Plaintiff’s Eighth Amendment deliberate indifference claim and  
22 related state claims.<sup>2</sup> (Id.)

23 On May 9, 2017, the court issued an order denying Plaintiff’s motion for extension of  
24 time to file a surreply. (ECF No. 62.) Plaintiff sought to file a response to defendant  
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26 <sup>1</sup> Sued as “Rene Wilkinson.” (ECF No. 41 at 1:23-34.)

27 <sup>2</sup> On October 5, 2015, the court screened Plaintiff’s Complaint and found that it stated an Eighth  
28 Amendment claim and state law claims against defendants Tehrani and Wilkinson. (ECF No. 30.) On March 22,  
2017, the claims against defendant Tehrani were dismissed from this case as barred by the statute of limitations.  
(ECF No. 54.) Therefore, defendant Wilkinson is now the sole defendant in this case.

1 Wilkinson’s reply to Plaintiff’s opposition to defendant Wilkinson’s motion to dismiss. In its  
2 order, the court denied Plaintiff leave to file a surreply. (Id. at 2:3-7.) In contravention of the  
3 court’s order, Plaintiff filed a 76-page surreply on May 22, 2017, titled “Opposition to Reply of  
4 Renee Wilkinson to Opposition to Motion to Dismiss.” (ECF No. 64.) Plaintiff’s surreply  
5 shall be stricken from the record.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s surreply, filed on May 22,  
7 2017, is STRICKEN from the record.

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9 IT IS SO ORDERED.

10 Dated: June 28, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE