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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

GUSTAVO TORRES,  
  
                                Plaintiff,  
  
          v.  
  
ARRELLANO, et al.,  
  
                                Defendants.

Case No. 1:15-cv-00575 DLB PC  
  
ORDER STRIKING PLAINTIFF’S  
OPPOSITION TO ANSWER AND  
MOTION FOR SUMMARY JUDGMENT  
  
(Document 30)

Plaintiff Gustavo Torres (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Defendants filed their answer on January 12, 2016, and the action is now in discovery.

On February 10, 2016, Plaintiff filed a document entitled, “Opposition to Defendants’ Answer to Complaint: Memorandum of Points and Authorities in support of Plaintiff’s Opposition, And Discovery, And Motion for Summary Judgment.” ECF No. 30, at 1.

Rule 7(a) of the Federal Rules of Civil Procedure does not permit a reply to an answer unless ordered by the Court.

Insofar as Plaintiff intends to oppose an exhaustion challenge, Defendants have not filed a motion for summary judgment based on exhaustion as of the date of service of this order. Moreover, a challenge to exhaustion is an affirmative defense, and Plaintiff need not raise the issue unless and until Defendants file a motion.

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Accordingly, Plaintiff's filing is STRICKEN from the record.

IT IS SO ORDERED.

Dated: February 24, 2016

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE