

1
2
3
4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6 SCOTT K. RICKS,) Case No.: 1:15-cv-01147-AWI-BAM (PC)
7)
8 Plaintiff,) ORDER STRIKING PLAINTIFF’S SECOND
9) OPPOSITION TO DEFENDANT’S
10 v.) MOTION FOR SUMMARY JUDGMENT,
11 A. AUSTRIA,) AND DEMAND FOR TRIAL
12) [ECF No. 54]
13 Defendant.)
14)

15 Plaintiff Scott K. Ricks is a state prisoner proceeding *pro se* and *in forma pauperis* in this
16 civil rights action pursuant to 42 U.S.C. § 1983.

17 On October 30, 2017, Defendant Austria filed a motion for summary judgment. (ECF No.
18 43.) On November 27, 2017, Plaintiff filed an opposition to the motion. (ECF No. 46.) On
19 January 18, 2018, Defendant filed a reply to the opposition. (ECF No. 51.)

20 Currently before the Court is Plaintiff’s second opposition to Defendant’s motion for
21 summary judgment, filed on February 26, 2018. (ECF No. 54). The Court construes this filing as
22 a surreply.

23 No further briefing on Defendant’s motion for summary judgment is permitted absent
24 leave of court. The Court did not grant Plaintiff leave to file a surreply, and the Court does not
25 desire any further briefing on the motion.

26 Accordingly, Plaintiff’s surreply is HEREBY STRICKEN from the record.

27 IT IS SO ORDERED.

28 Dated: March 9, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE