

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 MELISSA M. NEYLON and SHAWN P.
5 NEYLON,

6 Plaintiffs

7 v.

8 COUNTY OF INYO, INYO COUNTY
9 SHERIFF'S OFFICE, BILL LUTZE,
10 DOUGLAS RICHARDS, and DOES 1 to
11 50,

12 Defendants

CASE NO. 1:16-CV-0712 AWI JLT

ORDER DENYING REQUEST TO FILE
A SUR-REPLY

(Doc. No. 19)

13 Currently pending before the Court is Defendants' motion to dismiss. On September 6,
14 2016, the Court vacated the hearing on Defendants' motion and took the matter under submission.
15 See Doc. No. 17. In that order, the Court granted Plaintiffs' request for the Court to consider
16 recent authority, and also permitted Defendants to respond to the new authority. See id. On
17 September 9, 2016, Defendants' filed a response. See Doc. No. 18. The same day, Plaintiffs'
18 filed a request to submit a sur-reply to Defendants' response. See Doc. No. 19. Plaintiffs request
19 the opportunity to respond to Defendants, and also object to Defendants' raising the issue of
20 qualified immunity. See id.

21 Plaintiffs have submitted recent authority for consideration, and Defendants responded.
22 The Court does not find that further briefing on the recent authority would be helpful at this point,
23 and thus, will deny the request to file a sur-reply. Also, the Court will not consider the issue of
24 qualified immunity at this time, as that issue was not raised as part of Defendants' motion.

25 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' request to file a sur-reply is
26 DENIED.

27 IT IS SO ORDERED.

28 Dated: September 15, 2016


SENIOR DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28