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

9 DELBERT J. SMITH,  
10  
11 Plaintiff,  
12 v.  
13 C. HERNANDEZ, et al.,  
14 Defendants.

Case No. 1:16-cv-01267-LJO-SAB (PC)  
ORDER STRIKING PLAINTIFF’S REPLY  
TO ANSWER  
[ECF No. 72]

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16 Plaintiff Delbert J. Smith is appearing pro se and in forma pauperis in this civil rights  
17 action pursuant to 42 U.S.C. § 1983.

18 On July 19, 2018, Defendants Cramer, Hernandez, and Zuniga filed an answer to  
19 Plaintiff’s first amended complaint. (ECF No. 68.) Currently before the Court is Plaintiff’s  
20 reply to the answer. (ECF No. 72.)

21 Rule 7 of the Federal Rules of Civil Procedure provides as follows:

22 There shall be a complaint and an answer; a reply to a counterclaim denominated  
23 as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-  
24 party complaint, if a person who was not an original party is summoned under the  
25 provisions of Rule 14; and a third-party answer, if a third-party complaint is  
served. No other pleading shall be allowed, except that the court may order a  
reply to an answer or a third-party answer.

26 Fed. R. Civ. P. 7(a). The Court did not order Plaintiff to reply to Defendants’ answer, nor did  
27 Plaintiff seek any leave to file a reply to the answer. The Court declines to require any reply to  
28 the answer.

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Accordingly, it is HEREBY ORDERED that Plaintiff's reply to Defendants Cramer, Hernandez, and Zunga's answer, filed on July 28, 2018 (ECF No. 72), is stricken from the record.

IT IS SO ORDERED.

Dated: July 30, 2018

  
UNITED STATES MAGISTRATE JUDGE