

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERRYL TYRONE FOSTER,) Case No.: 1:16-cv-01839-AWI-SAB (PC)
Plaintiff,)
v.) ORDER STRIKING PLAINTIFF'S REPLY
J. HUEWE, et al.,) TO ANSWER
Defendants.) [ECF No. 26]
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Plaintiff Derryl Tyrone Foster is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action proceeds against Defendants Cordova and McIntryre for excessive force and against Defendants Huewe and Vargas for failure to protect.

On September 11, 2017, Defendants filed an answer to Plaintiff's complaint. (ECF No. 20.) On October 10, 2017, Plaintiff filed a reply to Defendant's answer, entitled exhaustion motion. (ECF No. 26.)

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

2 There shall be a complaint and an answer; a reply to a counterclaim denominated as
3 such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party
4 complaint, if a person who was not an original party is summoned under the provisions
5 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.

6 Fed. R. Civ. P. 7(a). Because the Court did not order Plaintiff to reply to Defendants' answer,
7 Plaintiff's reply is HEREBY STRICKEN from the record.

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9 IT IS SO ORDERED.

10 Dated: October 12, 2017



UNITED STATES MAGISTRATE JUDGE

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