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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,

 Plaintiff,

 v.

CORCORAN STATE PRISON, *et al.*,

 Defendants.

Case No. 1:17-cv-00071-DAD-JDP

ORDER GRANTING PLAINTIFF’S MOTION
TO CORRECT COMPLAINT; DENYING
DEFENDANTS’ MOTION TO STRIKE
EVIDENCE; AND GRANTING PLAINTIFF’S
MOTION REGARDING EXHIBITS

ECF Nos. 54, 77, 80

Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. This action proceeds on plaintiff’s claims against defendant Mansour for medical deliberate indifference and against California State Prison, Corcoran (“CSPC”) for damages under the Americans with Disabilities Act (“ADA”).

As an initial matter, plaintiff’s motion to correct the date in paragraph 29 of his second amended complaint is granted for good cause shown. ECF No. 54. We will consider the second amended complaint as though November 2015 were the date in paragraph 29.

Defendants filed a motion to strike material in plaintiff’s reply brief, arguing that plaintiff improperly introduced new evidence on reply. ECF No. 77. Plaintiff filed a motion seeking to keep his documents in evidence arguing that the information was duplicative of documents already on the docket. ECF No. 80. Plaintiff further seeks to introduce another forty-six pages of

1 material in opposition to defendants' motion for summary judgment. *See* ECF Nos. 78, 79. The
2 disputed filing, at ECF No. 76, is not simply a reply to defendant's opposition to plaintiff's
3 motion for summary judgment, but also plaintiff's opposition brief to defendants' motion for
4 summary judgment. Thus, plaintiff is not limited by the rules of a reply brief as defendants
5 contend. We deny defendants' motion to strike, grant plaintiff's motion seeking to keep his
6 documents in evidence, and will allow defendants seven days to file a reply.

7 **Order**

- 8 1. Plaintiff's motion to correct his second amended complaint, ECF No. 54, is granted.
9 2. Defendants' motion to strike, ECF No. 77, is denied.
10 a. Defendants shall have seven days to file a reply to plaintiff's opposition.
11 3. Plaintiff's motion regarding exhibits, ECF No. 80, is granted.

12 IT IS SO ORDERED.

13 Dated: August 16, 2019

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15 UNITED STATES MAGISTRATE JUDGE

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