

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT J. RODRIGUEZ,

Case No. 1:17-cv-00204-DAD-SAB

Plaintiff,

**ORDER STRIKING PLAINTIFF'S REPLY
FROM THE RECORD**

V.

(ECF No. 3)

DON PENNER, et al.,

Defendants.

On February 13, 2017, Plaintiff Robert J. Rodriguez filed a complaint in this action, but
not pay the filing fee or file an application to proceed without prepayment of fees. On
February 15, 2017, an order issued providing Plaintiff with thirty days in which to file an
application to proceed without prepayment of fees or pay the filing fee. On March 3, 2017,
Plaintiff filed a “reply” to the order in which he returned the order “for its value for discharge
and settlement of the accounting.” Plaintiff’s reply, filed March 3, 2017 shall be stricken from
the record as it is not responsive to the February 15, 2017 order.

Plaintiff's filing also contains archaic legal verbiage, commonly associated with the common law pleading practice that serves no purpose in modern pleading practice. Plaintiff is advised that common law pleading and procedural practice has long been abolished by the adoption of the Federal Rules of Civil Procedure in 1937, and it is no longer necessary to recite esoteric and complex legal terms in pleadings filed with the Court. See 5 Charles Alan Wright &

1 Arthur R. Miller, Federal Practice and Procedure § 1181 (3d ed. 2012) (discussing modern
2 “simple and elastic pleading and motion procedure ... placing a minimum emphasis on form” and
3 the abolition of “ancient procedural dogma”).

4 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s reply, filed March 3,
5 2017, is STRICKEN FROM THE RECORD.

6 IT IS SO ORDERED.
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8 Dated: March 7, 2017


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UNITED STATES MAGISTRATE JUDGE