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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

A.W., a minor, by and through his parent  
and guardian ad litem AMY WRIGHT,

Plaintiff,

v.

TEHACHAPI UNIFIED SCHOOL  
DISTRICT,

Defendant.

No. 1:17-cv-00854-DAD-JLT

ORDER GRANTING PLAINTIFF'S MOTION  
TO STRIKE AND SEALING DEFENDANT'S  
FILING

(Doc. Nos. 38, 39)

On September 5, 2018, the court heard oral argument regarding plaintiff's appeal from the decision of an administrative law judge following a due process hearing under the Individuals with Disabilities Education Act. Finding that some issues had not been adequately briefed, the court directed plaintiff to file supplemental briefing, and permitted defendant to file a response thereto. Plaintiff's brief was filed on September 26, 2018, and defendant responded on October 3, 2018. (Doc. Nos. 37, 38.) Also on October 3, 2018, plaintiff moved to strike defendant's response since it contained reference to A.W.'s first name in violation of Federal Rule of Civil Procedure 5.2(a)(3).

Rule 5.2(a)(3) and Local Rule 140(a)(i) require that a minor's initials be used in court filings rather than the minor's full name. Nonetheless, the student's full first name is visible on page two of defendant's brief in response to plaintiff's supplemental brief. (Doc. No. 38 at 2.)

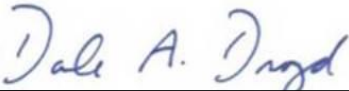
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Accordingly,

1. Plaintiff's motion to strike (Doc. No. 39) is granted;<sup>1</sup>
2. The Clerk of the Court is directed to strike defendant's supplemental filing (Doc. No. 38) from the docket, and the court further directs that this filing be sealed; and
3. Defendant is granted seven days from the date of service of this order to refile its response brief with appropriate redactions, at which time the matter will be taken under submission.

IT IS SO ORDERED.

Dated: October 4, 2018

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> As noted, the court grants plaintiff's motion to strike defendant's response. The court will also deny plaintiff's alternative request for leave to file further briefing in response to defendant's response (*see* Doc. No. 32 at 3), finding that such further briefing is not necessary and will not likely aid the court in resolving the pending matter.