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

EARNEST S. HARRIS,) Case No.: 1:18-cv-00080-DAD-SAB (PC)
)
Plaintiff,)
)
v.) ORDER STRIKING PLAINTIFF’S REPLY
) TO DEFENDANTS’ ANSWER AND DEMAND
) FOR TRIAL
SEXON, et al.,)
) [ECF No. 48]
Defendants.)
)
)
)

Plaintiff Earnest S. Harris is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendants M. Sexton, J. Aquirre, C. Stewart, G. Lambert, A. Gutierrez, L. Cellobos, I. Ramirez, and P. Vera for subjecting Plaintiff to conditions of confinement in violation of the Eighth Amendment.

On December 19, 2018, Defendants M. Sexton, J. Aquirre, C. Stewart, G. Lambert, A. Gutierrez, L. Cellobos, I. Ramirez filed an answer and demand for jury trial.

On April 23, 2019, Defendant P. Vera filed an answer and demand for jury trial.

On May 28, 2019, Plaintiff filed a response to the answer and demand for jury trial filed by Defendants.

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

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

Fed. R. Civ. P. 7(a). Because the Court did not order Plaintiff to reply to Defendants' answers and demand for jury trial, Plaintiff's reply is HEREBY STRICKEN from the record.

IT IS SO ORDERED.

Dated: May 29, 2019


UNITED STATES MAGISTRATE JUDGE