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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID EDWARDS,

Plaintiff,

No. CIV S-10-0298 DAD P

vs.

N. GRANNIS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on plaintiff’s claim that defendant Peck violated plaintiff’s rights under the Eighth Amendment by confiscating plaintiff’s laundry bucket without providing him with other means to wash his personal clothing.

On November 10, 2011, this court signed findings and recommendations recommending that plaintiff’s motion for summary judgment be denied and defendant Peck’s motion for summary judgment be granted. However, those findings and recommendations were not filed and docketed until November 14, 2011. On November 10, 2011, defendant filed a motion to strike a response to defendant’s reply brief which was filed by plaintiff on November 7, 2011 on the grounds that such a response to a reply was not authorized by the Federal Rules of

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1 Civil Procedure, the arguments raised therein were untimely, and consideration of plaintiff's
2 unauthorized arguments would be prejudicial to defendant.

3 The court did not consider the unauthorized brief filed by plaintiff on November
4 7, 2011 in making its findings and recommendations which were signed on November 10, 2011.
5 Defendant is correct that responses to reply briefs are not authorized by the Federal Rules of
6 Civil Procedure. Moreover, the contentions raised by plaintiff in the unauthorized brief were not
7 material to resolution of the pending motions for summary judgment.

8 For all of the foregoing reasons, IT IS HEREBY ORDERED that defendant's
9 November 10, 2011 motion to strike plaintiff's November 7, 2011 response to defendant's reply
10 (Doc. No. 35) is granted.

11 DATED: November 30, 2011.

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14 _____
15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

16 DAD:12
17 edwa0298.mts