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

WILLIAM JAMES,

Plaintiff,

No. 2:10-cv-0664 MCE DAD P

vs.

COUNTY OF SACRAMENTO et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Pending before the court is plaintiff’s “motion to strike an insufficient answer” by which he seeks to strike defendants’ second, third, fourth, fifth, seventh, eighth, and ninth affirmative defenses.

Rule 12(f) of the Federal Rules of Civil Procedure authorizes a court to “strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). In this case, the court finds no basis to conclude that defendants’ affirmative defenses are improperly pled or legally insufficient. “The key to determining the sufficiency of pleading an affirmative defense is whether it gives the plaintiff fair notice of the defense.” Simmons v. Navajo County, Ariz., 609 F.3d 1011, 1023 (9th Cir. 2010) (quoting Wyshak v. City Nat’l Bank, 607 F.2d 824, 827 (9th Cir. 1979)). See also 5 Wright & Miller,

1 Federal Practice and Procedure § 1274 (3d ed. 1998) (pleading affirmative defenses). Generally
2 speaking, fair notice requires only that the defendants plead the nature of their affirmative
3 defense. See Wyshak, 607 F.2d at 827. It does not require a detailed statement of facts in
4 support thereof. Here, plaintiff asks the court to grant his motion to strike based on his bald
5 assertion that defendants' affirmative defenses amount to conclusory allegations. As the party
6 moving to strike the affirmative defenses, plaintiff has not met his burden of establishing that the
7 answer fails to provide him with fair notice of defendants' affirmative defenses.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to strike (Doc.
9 No. 47) is denied.

10 DATED: July 8, 2013.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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