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

EDNA MILLER; DAVID McGUIRE,)	
)	2:10-cv-02850-GEB-DAD
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
CALIFORNIA DEPARTMENT OF)	
CORRECTIONS; THE ATTORNEY)	
GENERALS OFFICE; EDMUND G.)	
"JERRY" BROWN, JR., an)	
individual; JULIE HARLAN, an)	
individual; DAVID J. NEIL, an)	
individual; JILL H. TALLEY, an)	
individual; LEWIS KUYKENDALL, an)	
individual; KATHY BIDD, an)	
individual; DOES ONE through)	
TEN, inclusive,)	
)	
Defendants.)	
_____)	

On May 2, 2011, Plaintiffs filed a "Declaration of New Counsel for Plaintiffs, Vip Bhola, Esq. to Clarify Limited Issues in Connection with Motion Hearing of May 2, 2011." (ECF No. 30.) For the following reasons, this document will be stricken.

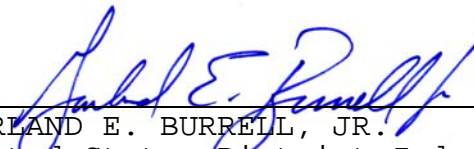
This case was previously referred to a magistrate judge under Local Rule 302(c)(21) because the Plaintiffs were proceeding in propria persona. Subsequently, Defendant Attorney General's Office filed a "Matter in Abatement and Motion to Dismiss" and Defendants California Department of Corrections and Rehabilitation, Attorney General's Office, Julie Harlan, David J. Neil, and Jill H. Talley ("Defendants") filed a "Special Motion to Strike Strategic Lawsuit Against Public Participation

1 (Anit-SLAPP Motion) and Motion to Dismiss". (ECF Nos. 9, 13.) The
2 magistrate judge ordered Plaintiffs to file their oppositions to these
3 respective motions by February 4, 2011. (ECF No. 14.) Plaintiffs filed
4 an opposition in which they opposed both motions and then retained
5 counsel. (ECF Nos. 18-20.)

6 The Order granting substitution of attorney was filed February
7 15, 2011 and the case was referred back to the district court. (ECF Nos.
8 20, 22.) On March 8, 2011 Defendants re-noticed both motions for hearing
9 on May 2, 2011 before the district court. (ECF No. 23.) Plaintiffs did
10 not file further opposition to the pending motions. The motions were
11 submitted without oral argument on April 29, 2011. (ECF No. 29.)

12 After the time for filing oppositions past, and
13 notwithstanding having ample opportunity to file oppositions to the
14 pending motions, Plaintiffs' counsel filed his declaration which is
15 tantamount to filing a late opposition to the motions. Since Plaintiffs
16 do not have leave to file the "Declaration of New Counsel", Document
17 Number 30 is **STRICKEN**.

18 Dated: May 24, 2011

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21 _____
22 GARLAND E. BURRELL, JR.
23 United States District Judge
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