

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ROBERT C. JIMENEZ,

Plaintiff,

No. 2:10-cv-2943 KJM KJN P

vs.

J. WHITFIELD,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in this civil rights action for relief pursuant to 42 U.S.C. § 1983.

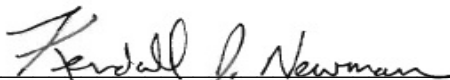
On April 13, 2012, defendant Whitfield filed an answer. On April 27, 2012, plaintiff filed a response to the answer. However, Rule 7 of the Federal Rules of Civil Procedure provides as follows:

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) (emphasis added). The court has not ordered plaintiff to reply to defendant's answer and declines to make such an order.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 27, 2012 response
2 (dkt. no. 57) is disregarded.

3 DATED: May 30, 2012

4
5 
6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
7 jime2943.77e