

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,  
Plaintiff,  
v.  
HAMMER, et al.,  
Defendants.

No. 2:11-cv-2317 TLN AC P

ORDER

The court has before it defendants’ motion to strike plaintiff’s opposition to the motion for summary judgment filed at ECF Nos. 81-83. ECF No. 84. Although briefing on the motion to strike is not complete, the court finds that further briefing is not necessary to a fair adjudication of the motion.

Defendants argue that plaintiff’s opposition at ECF Nos. 81-83 should be stricken because it appears he has misfiled it in this case.<sup>1</sup> ECF No. 84 at 3. Upon reviewing the documents, the court has verified that their contents are not related to the claims in this case and appear to be intended for another of plaintiff’s pending cases, Benyamini v. Blackburn, 2:13-cv-0205 MCE AC P. The court will therefore strike the opposition at ECF Nos. 81-83 from the record.

///

---

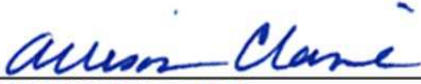
<sup>1</sup> Plaintiff’s opposition at ECF No. 85 appears to be correctly filed in this case.

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  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' motion to strike (ECF No. 84) is granted and the Clerk of the Court is directed to strike plaintiff's misfiled opposition to the motion for summary judgment (ECF Nos. 81, 82, and 83) from the record. The opposition at ECF No. 85 shall remain on the record.
2. If plaintiff seeks to have the stricken documents filed in another case, he must re-file them with the proper case number identified in the caption.

DATED: May 7, 2015

  
\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE