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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ARCEO,
Plaintiff,
v.
SOCORRO SALINAS, et al.,
Defendants.

No. 2:11-cv-2396 MCE KJN P

ORDER

Plaintiff is committed to a state hospital under California’s Sexually Violent Predators Act (“SVPA”). He is proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On July 18, 2016, defendants filed a motion to strike portions of plaintiff’s third amended complaint. Plaintiff did not file an opposition.

Rule 12(f) provides that:

The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

Fed. R. Civ. P. 12(f).

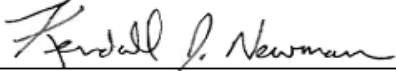
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1 Pursuant to the district court's May 5, 2016 and November 23, 2016 orders, this action
2 proceeds on plaintiff's retaliation claims against defendants Surjick, Kong, and McHugh for their
3 actions in February of 2012, and defendant Savage based on his actions in September of 2012.
4 This court's screening order contemplated that defendants Surjick, Kong, McHugh and Savage
5 would only respond to plaintiff's allegations addressed to his retaliation claims against such
6 defendants. Therefore, defendants' motion to strike paragraphs 5-8, 10-12, 16-20, 22-53, 62-67,
7 69, 71-73, 75-84, 86-96, 100 and 103 is granted. Plaintiff's paragraphs 97-99 contain his legal
8 arguments concerning the alleged retaliation by these remaining defendants, which the court will
9 not strike, but defendants are not required to address paragraphs 97-99 in their responsive
10 pleading.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Defendants' motion to strike (ECF No. 39) is partially granted;
- 13 2. Paragraphs 5-8, 10-12, 16-20, 22-53, 62-67, 69, 71-73, 75-84, 86-96, 100 and 103 are
14 stricken from plaintiff's third amended complaint (ECF No. 27); and
- 15 3. Defendants Surjick, Kong, McHugh and Savage shall file a responsive pleading within
16 twenty-one days from the date of this order.

17 Dated: December 1, 2016

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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