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

JACOB BARR, et al.,

No. 2:13-CV-2087-JAM-CMK

Plaintiffs,

vs.

ORDER

WELLS FARGO BANK, N.A.,

Defendant.

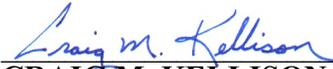
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Plaintiffs, who are proceeding pro se, bring this civil action for damages and declaratory relief. Pending before the court is plaintiffs’ motion to strike (Doc. 28).

In their motion, plaintiffs seek an order under Federal Rule of Civil Procedure 12(f) to strike portions of defendant’s brief in support of its motion to dismiss. Rule 12(f) provides that the court may “. . .strike from any pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” As defendant correctly notes in its opposition to plaintiffs’ motion to strike, the motion is procedurally defective in that plaintiffs attack defendant’s motion to dismiss, which is not a pleading within the meaning of Rule 7(a). See Sidney-Vinsein v. A.H. Robins, Co., 697 F.2d 880 (9th Cir. 1983); see also Natural Resources Defense Council v. Kempthorne, 539 F. Supp. 2d 1155 (E.D. Cal. 2008).

1 Accordingly, IT IS HEREBY ORDERED that plaintiffs' motion to strike (Doc.
2 28) is denied.

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4 DATED: August 14, 2014

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6 **CRAIG M. KELLISON**
7 UNITED STATES MAGISTRATE JUDGE
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